UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

BRIAN TEED, et al.,

Plaintiffs,

vs.

Case No. 3:08-CV-303

JT PACKARD & ASSOCIATES, INC., and S.R. BRAY CORP.,

Defendants.

DEPOSITION OF DANIEL SEARS

TAKEN AT: CROSS LAW FIRM, S.C. LOCATED AT: 845 North 11th Street

Milwaukee, Wisconsin July 29, 2010 9:00 a.m. to 4:57 p.m.

REPORTED BY BRENDA RAY
REGISTERED PROFESSIONAL REPORTER

VERITEXT RAY REPORTING Voice (414) 347-5599 Fax (414) 347-1166 Toll Free (800) 472-0445

2 (Pages 2 to 5)

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1 APPEARANCES 2 CROSS LAW FIRM, by Mr. Larry A. Johnson 3 845 North 11th Street Milwaukee, WI 53233 4 (414) 224-0000 Ijohnson@crosslawfirm.com 5 Appearing on behalf of the Plaintiffs. 6 LITTLER MENDELSON, P.C., by 7 Mr. Andrew Voss 80 South 8th Street, Suite 1300 8 Minneapolis, MN 55110 (612) 313-7605 9 avoss@littler.com Appearing on behalf of Thomas & Betts. 10 11 ALSO PRESENT: Noah Reinstein Kelly Lowery 12 13 IN DEX 14 EXAMINATION BY: PAGE 15 Mr. Johnson 5 16 17 REQUESTS 18 REQUEST BY: DESCRIPTION PAGE 19 (NONE) 20 21 22 (The original transcript was delivered to Attorney Johnson.) 24 25	EXHIBIT NO. DESCRIPTION PAGE IDENTIFIED 15 TEED000276 Terms and Conditions 183 16 TEED000312 Terms and Conditions 186 17 TEED000310 on-line job application 187 18 TEED000273 on-line job application 188 7 19 TEED000336 JTP Liquidation, Inc. 189 8 20 TEED000338 Asset Purchase Agreement 189 9 (Exhibits retained by Attorney Johnson.) 11 (The original transcript was delivered to Attorney Johnson.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25
1 EXHIBIT S 2 EXHIBIT NO. DESCRIPTION PAGE IDENTIFIED 3 1 TEED000309 Memo 21 4 2 TEED000283 July '09 Summary of 30 Issues 6 3 TEED000308 1/20/10 press release 44 7 4 Third Amended Complaint for 56 Injunctive Relief and Damages 8 5 2/22/10 letter to Gary Pair 59 9 6 TEED000275 www.jtpackard.com page 65 10 7 TEED000274 Business Journal article 69 11 8 JTP00001496 Field Service Engineer 13 Policies, Procedures and Guidelines 99 14 10 JTP000014880 Employee Handbook 102 15 11 JTP 00001055 UPS Field Engineer 16 job description 114 16 12 JTP0006781 field service report 125 17 13 TEED000316 sample form 172 18 14 TEED000311 acquisition announcement 181 19 20 (Exhibits continued on next page.)	1 TRANSCRIPT OF PROCEEDINGS 2 DANIEL SEARS, called as a witness 3 herein, having been first duly sworn on oath, 4 was examined and testified as follows: 5 EXAMINATION 6 BY MR. JOHNSON: 7 Q How are you doing, Dan. 8 A Doing okay. 9 Q All right. Again, my name is Larry Johnson. 10 I'm the attorney that represents Brian Teed, 11 and actually Marcus Clay also in the lawsuits 12 against JT Packard. 13 With me today is Noah Reinstein, another 14 attorney with our firm, and Kelly Lowery, 15 another attorney with our firm. Thanks for 16 coming. Hopefully, it's not too much of a 17 hassle, but unfortunately we've got to do what 18 we've got to do. 19 A No problem. 20 Q What I want to do is go over a couple of quick 21 ground rules, and I'm sure Attorney Voss has 22 talked to you about this, and after that we're 23 going to go through some questions. Okay? 24 A Okay. 25 Q Basically, if you don't understand what I say,

3 (Pages 6 to 9)

1	if I screw up words or if you if I say	1 Q Can you state and spell your name for the
2	something you just don't understand, let me	2 record?
3	know.	3 A Dan Sears, D-A-N, S-E-A-R-S.
4	A Okay.	4 Q What's your address, Mr. Sears?
5	Q I'll be perfectly happy to restate something	5 A 372 Medina Street, in Oregon, Wisconsin.
6	for you or say it differently.	6 Q When did you first start working with JT
7	A Okay.	7 Packard?
8	Q I often make mistakes, so if I ask a question	8 MR. VOSS: Do you mean the current
9	that doesn't sound right to you, let me know.	9 company or the former company?
10	Is that cool?	10 MR. JOHNSON: Good point. The former
11	A Uh-huh.	
12		11 company. 12 MR. VOSS: Would it make sense to
13		
	A Okay.	,, ,
14	Q Have you ever given a deposition before?	14 on the record?
15	A Yes.	MR. JOHNSON: How about new and old
16	Q Okay. When was that?	16 Packard?
17	A The last one, it would have been early last	17 MR. VOSS: Okay. Fine.
18	year I think or maybe 2008.	18 MR. JOHNSON: Does that make sense to
19	Q Regarding what?	19 you, or is there something that you normally
20	A A Single Edge customer in Salt Lake City had	
21	complaint against JT Packard.	21 THE WITNESS: Well, there are, I
22	Q Okay. How many depositions have you been	
23	involved in?	but really two different entities, so if we
24	A This will be number four since I've come to JT	24 want to call them new and old, that's fine.
25	Packard.	There is Jeff Cason JT Packard, the Power
1		
_	Q Keeping you busy?	1 Plus JT Packard, and now there is the Thomas &
2	Q Keeping you busy? A Yes.	 Plus JT Packard, and now there is the Thomas & Betts JT Packard.
2	A Yes.	2 Betts JT Packard.
2	A Yes.Q So you understand the general idea of a	Betts JT Packard.I originally started for JT Packard and
2 3 4	A Yes.Q So you understand the general idea of a deposition?	2 Betts JT Packard. 3 I originally started for JT Packard and 4 Associates, Inc., the old JT Packard, in
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4 (Pages 10 to 13)

1	A. Voc	1 200000000
1	A Yes.	1 engineers?
2	Q What was your position?	2 A Yes. 3 O Okay. What were your day-to-day duties in that
3	A I came on board in Chicago, as a regional	
4 5	manager.	9
6	Q And what did you do as a regional manager?A As regional manager, I had an area consisting	5 A To ensure that our customers expectations were 6 being met, so I would review open jobs reports,
7		take care of any parts orders, any customer
8	of several states where I managed a team of	8 escalations, where customers felt their needs
9	field engineers, somewhere between five and 15, servicing that customer base in a several state	
10	_	9 weren't met, then I would get involved with 10 those situations.
11	region.	11 Q Okay. Have you ever worked as a field
12	Q Okay. And for how long were you the regional manager?	12 engineer?
13	A For about a year.	13 A Yes.
14		14 Q For JT Packard?
15	Q And what region was that?A I think we called it the midwest region.	15 A No.
16	Q Did you get promoted?	16 Q For a different company?
17	A I did.	17 A Yes.
18	Q Good job. What was the next position?	18 Q Have you ever visited a customer with a JT
19	A Director of field service.	19 Packard field engineer?
20	Q And that was sometime in 2004?	20 A Yes.
21	A Yes.	21 Q So you have a general understanding of what
22	Q Do you remember about when?	their day-to-day work is?
23	A I really don't.	23 A Yes.
24	Q What were your duties as director of field	24 Q A good understanding?
25	services?	25 A Pardon?
	10	12
1	A As director of field service, I managed the	1 Q A good understanding?
2	nationwide field service team. I don't	2 A I would say so.
3	remember exactly how many regions we had, but	3 Q Sometime in or around 2006, you got another
4	each of those regions would have regional	4 promotion; is that right?
5	managers, each regional manager would be	5 A Yes.
6	managing field managers for their customer base	6 Q Okay. Was it 2006?
7	in their given region.	7 A The timeframe, I don't recall.
8	Q All right. Cool. Okay. And how long were you	8 Q You were in the director of field service
9	in that position?	9 position for about two-and-a-half years?
10	A Let's see. I believe about two-and-a-half	10 A I believe so.
11	years.	11 Q Okay. What was the next position you held with
12	Q Did that take you into 2006 or 2007?	12 JT Packard?
13	A Well, I'm a little foggy on that. It's one of	13 A I was made vice-president of engineering and
14	the two.	14 operations.
		I .
15	Q Okay. Did the end of working as the director	15 Q All right. As a VP of engineering and
15 16	Q Okay. Did the end of working as the director of field service position have anything to do	operations, what did you do?
15 16 17	Q Okay. Did the end of working as the director of field service position have anything to do with the sale to S.R. Bray?	operations, what did you do? A As the VP of engineering and operations, I
15 16 17 18	Q Okay. Did the end of working as the director of field service position have anything to do with the sale to S.R. Bray? A No.	operations, what did you do? A As the VP of engineering and operations, I oversaw technical support, our parts
15 16 17 18 19	 Q Okay. Did the end of working as the director of field service position have anything to do with the sale to S.R. Bray? A No. Q So it wasn't around that date? 	operations, what did you do? A As the VP of engineering and operations, I oversaw technical support, our parts operations, training, logistics, warehouse
15 16 17 18 19 20	 Q Okay. Did the end of working as the director of field service position have anything to do with the sale to S.R. Bray? A No. Q So it wasn't around that date? A No. 	operations, what did you do? A As the VP of engineering and operations, I oversaw technical support, our parts operations, training, logistics, warehouse facilities, I decided what we would or wouldn't
15 16 17 18 19 20 21	 Q Okay. Did the end of working as the director of field service position have anything to do with the sale to S.R. Bray? A No. Q So it wasn't around that date? A No. Q In the position of director of field services, 	operations, what did you do? A As the VP of engineering and operations, I oversaw technical support, our parts operations, training, logistics, warehouse facilities, I decided what we would or wouldn't take under contract as far as obsolete
15 16 17 18 19 20 21	 Q Okay. Did the end of working as the director of field service position have anything to do with the sale to S.R. Bray? A No. Q So it wasn't around that date? A No. Q In the position of director of field services, you were essentially managing all the field 	operations, what did you do? A As the VP of engineering and operations, I oversaw technical support, our parts operations, training, logistics, warehouse facilities, I decided what we would or wouldn't take under contract as far as obsolete equipment, reviewed contracts and all RRP's;
15 16 17 18 19 20 21 22 23	 Q Okay. Did the end of working as the director of field service position have anything to do with the sale to S.R. Bray? A No. Q So it wasn't around that date? A No. Q In the position of director of field services, you were essentially managing all the field engineers' work, right? 	operations, what did you do? A As the VP of engineering and operations, I oversaw technical support, our parts operations, training, logistics, warehouse facilities, I decided what we would or wouldn't take under contract as far as obsolete equipment, reviewed contracts and all RRP's; I did that is a director of service, too.
15 16 17 18 19 20 21 22 23 24	 Q Okay. Did the end of working as the director of field service position have anything to do with the sale to S.R. Bray? A No. Q So it wasn't around that date? A No. Q In the position of director of field services, you were essentially managing all the field engineers' work, right? A The regional managers. 	operations, what did you do? A As the VP of engineering and operations, I oversaw technical support, our parts operations, training, logistics, warehouse facilities, I decided what we would or wouldn't take under contract as far as obsolete equipment, reviewed contracts and all RRP's; I did that is a director of service, too. Q Who did you report to when you were the
15 16 17 18 19 20 21 22 23	 Q Okay. Did the end of working as the director of field service position have anything to do with the sale to S.R. Bray? A No. Q So it wasn't around that date? A No. Q In the position of director of field services, you were essentially managing all the field engineers' work, right? 	operations, what did you do? A As the VP of engineering and operations, I oversaw technical support, our parts operations, training, logistics, warehouse facilities, I decided what we would or wouldn't take under contract as far as obsolete equipment, reviewed contracts and all RRP's; I did that is a director of service, too.

5 (Pages 14 to 17)

1	A Charlie Eaton.	1 first training manager was Ty Robey, and I
2	Q The entire time?	2 don't remember when that change happened
3	A With the old JT Packard, no.	3 exactly.
4	Q Are you currently the VP of engineering and	4 The training manager basically worked with
5	operations?	5 our subject matter experts to create the
6	A No.	6 classes, the plan of instruction for the class,
7	Q When did your position change?	7 helped lay out the schedule for the year,
8	A My position changed after Thomas & Betts bought	8 worked with the field management team to get
9	the company.	9 field engineers enrolled in the classes, and
10	Q Was that on or around January 26th of this	10 made sure the equipment and manuals and
11	year?	everything were ready for when they came in for
12	A Yes.	12 the instructor.
13	Q Closing was January 26th, right?	13 Q And this was ongoing training for field
14	A I couldn't be sure of the date, but it was	14 engineers?
15	around then.	15 A Correct.
16	Q Sure. Midweek, Tuesday?	16 Q Any other training of other employees?
17	A I don't know.	17 A Yes.
18	Q So while you were the VP of engineering and	18 Q What other groups of employees?
19	operations, you reported to Mr. Eaton?	19 A We did kind of a 101 training, what is a UPS
20	A Yes.	20 kind of thing for various departments, sales,
21	Q Anybody else?	customer support, we also provided customer
22	A There were a number of folks under the old JT	22 training.
23	Packard. The last person I reported to was	23 Q Okay. Did you handle training for the is it
24	Keith Bjelejac.	24 CSAMs?
25	Q How do you pronounce his name?	25 A The CSAM, Customer Service Account Manager,
	14	16
1	A Bjelejac.	1 yes, we did some training for them.
2	THE REPORTER: Do you know how to	2 Q What is a CSAM?
3	spell that?	3 A A fancy name for scheduler. Customer Support
4	THE WITNESS: B-E.	4 Account Manager is what CSAM stands for, but
5	MR. VOSS: I have it.	5 they'd schedule the work.
6	THE WITNESS: B-J-E-L-E-J-A-C.	6 Q And how about data services, did they report to
7	BY MR. JOHNSON:	you in that VP of engineering operations
8	Q In that position, you said you managed the	8 position?
9	training; is that right?	9 A Yes.
10	A In what position?	10 Q What does data services do?
11	Q Yes, somebody in training reported to you?	11 A Data services receives the field service
12	A In what position?	12 reports from the field engineers, they will
13	Q In the VP of engineering and operations, you	13 change the status in our service software
14	mentioned that under you was training, or that	14 package that has been received, clean it up,
15	was one of your duties?	route what needs to be reviewed to the tech
16	A Correct.	16 support team, and then ultimately send it out
17	Q What exactly do you mean by training?	17 to the customer.
18	A The training department really consisted of one	18 Q Okay. Other than the field service reports, do
19	person, our training manager.	19 they handle any other groups of data or
		20 documents?
20	O Who was he?	20 documents.
20 21	Q Who was he?A Steve Cady was the training manager.	21 A No, I don't believe so.
	A Steve Cady was the training manager.	21 A No, I don't believe so.
21	A Steve Cady was the training manager.Q Last name?	21 A No, I don't believe so. 22 Q As a VP of engineering and operations, what was
21 22 23	A Steve Cady was the training manager.Q Last name?A C-A-D-Y.	21 A No, I don't believe so. 22 Q As a VP of engineering and operations, what was
21 22	A Steve Cady was the training manager.Q Last name?A C-A-D-Y.Q C-A-D-Y?	 A No, I don't believe so. Q As a VP of engineering and operations, what was your relationship with the director of field services?
21 22 23 24	A Steve Cady was the training manager.Q Last name?A C-A-D-Y.	 A No, I don't believe so. Q As a VP of engineering and operations, what was your relationship with the director of field services?

6 (Pages 18 to 21)

1		worked to help support the field.	1	A	It's a little bit different. I no longer have
2	Q	•	2		some of the other departments, facilities,
3	A	Patti Epstein.	3		logistics, data services. I am in charge of
4	Q	9	4		field service, technical support and training.
5		managers who oversaw the field engineers,	5	Q	Okay. So you lost a couple of job duties, but
6		right?	6		did you pick up the job duties that reported to
7	A	Well, there was another layer in there, but	7		the former director of field services?
8		yes.	8	A	Yes.
9	Q	Was that layer in there while you were in that	9	Q	So a couple steps down, but the field engineers
10		position?	10		now report to you?
11	A	No.	11	A	Correct.
12	Q	Okay. So it was added when you left the	12	Q	Okay. You said you currently do field
13		position?	13		services, training, and what else reports to
14	A	Correct.	14		you?
15	Q	Was there a restructuring that took place?	15	A	Technical support.
16	A	It actually had been a plan that I had been	16	Q	· ·
17		working on, that was decided it would be put in	17	A	Yes, operations, which includes facilities,
18		place for the new director.	18		repair and refurbishment, data services.
19	Q	Okay. And that added layer was area was it	19	Q	What happened with those portions of JT
20		director?	20		Packard?
21	A	Area service director.	21	A	They actually still report through Peggy
22	Q	Area service director. So it went director of	22		Kalscheur, our director of operations, and so
23		field services, area service director, and a	23		she or now I think her title is warehouse
24		step down from that was the regional managers,	24		manager.
25		and then from there down was the field	25	Q	Got it. All right. Is it accurate to say that
		18			20
1		ancina ana mich 49	1		sometime in 2000 there were some financial
1 2	٨	engineers, right? Correct.	1 2		sometime in 2009 there were some financial issues with JT Packard?
3		Okay. While you were the VP of engineering	3		
4	Ų	operations, did you have any authority over the	4		MR. VOSS: Object to the form. THE WITNESS: I would say no.
5		field engineers?	5		BY MR. JOHNSON:
6	٨	No.	6	0	
7		You generally knew what they were doing though	7	Ų	Okay. I'm going to mark my first document here.
8	Ų	on a day-to-day basis, right?	8	۸	Okay.
9	٨	In general, yes.	9		We are going to give you a number of documents
10	_	<i>6</i> , 3	10	Ų	~ ~ ~ .
11	Q A	· ·	11	٨	today and have you take a look at them. Okay.
				А	· I
12	Q		12		MR. JOHNSON: Here you go. If you
13		Thomas & Betts took place, on or around	13		can mark this, please. THE REPORTER: Do you want me to mark
14		January 26 or January 27, your position changed	14		·
15	Λ	again; is that right?	15 16		it as Exhibit 1? MP_IOHNSON: Ves Exhibit 1 would be
16 17		After the sale took place, yes. After the sale took place. What is your new	17		MR. JOHNSON: Yes, Exhibit 1 would be fine.
18	Ų	title with new JT Packard?	18		
	Λ		19		(Exhibit No. 1 marked for identification.) BY MR. JOHNSON:
19	A	1	20	0	
20	Q		20	Ų	Hopefully, you've seen most of these. I would
21 22	Α	Okay. As the director of service, are you	22		expect you have. Can you take a look at what's
	\mathbf{o}	OBAY. AS THE UH CULUI OF SELVICE, ALE VOIL	44		been marked as Exhibit No. 1?
	Q	•	22	٨	(Witness complies)
23	Q	doing the same job as you did for the former	23	_	(Witness complies.)
23 24	Q	doing the same job as you did for the former for old JT Packard, as the vice-president of	24	Q	It's Bates stamped TEED000309.
23	Q	doing the same job as you did for the former	l .	_	It's Bates stamped TEED000309.

7 (Pages 22 to 25)

	^	V	,	
1	Ų	You've had the opportunity to read Exhibit	1	continued to grow, the business continued to
2		No. 1?	2	grow. JT Packard had no financial
3	A		3	difficulties.
4	Q	•	4	Q I'm sorry. S.R. Bray had the financial
5	A		5	difficulties?
6	Q	•	6	A That sounds more appropriate, yes.
7		out to the JT Packard employees; is that right?	7	Q You reviewed the financials?
8	A		8	A Yes.
9	Q		9	Q On a monthly basis?
10	A	I believe this is an e-mail from Keith	10	A Yes.
11	_	Bjelejac.	11	Q Or weekly?
12		Why was this sent?	12	A Yes.
13	A	I could only guess what Keith's motivations are	13	Q Or daily?
14		on this.	14	A Yes.
15	Q	Okay. Did you discuss the sending of this with	15	Q Okay. JT Packard was profitable in 2009?
16		Keith, by any chance?	16	A Yes.
17		No, I did not.	17	Q Do you know what that profit was?
18	Q	What was the In 2009, was S.R. Bray Corp	18	A Not off the top of my head, no.
19		having some financial issues?	19	Q Okay. Do you know what JT Packard's fiscal
20		As I understand, yes.	20	year is?
21	Q	That brought some changes at JT Packard; is	21	A I'm not sure what you're asking.
22		that right?	22	Q When do the books close?
23	A	I don't believe so.	23	A Annually.
24	Q	Okay. There were some changes made to the	24	Q Year-end?
25		board of directors; is that right?	25	A Yes.
		22		24
1	A	That is correct.	1	Q JT Packard made a profit though in 2009?
2	Q	Okay. What were those changes?	2	A Yes.
3	_	To the best of my knowledge, the board of	3	
4				O When you say end of year, you're talking about
4		directors was actually formed. I believe the		Q When you say end of year, you're talking about December 31st; is that right?
5		directors was actually formed. I believe the only member of the board of directors	4 5	Q When you say end of year, you're talking about December 31st; is that right? A Correct.
		only member of the board of directors	4 5	December 31st; is that right? A Correct.
5 6	0	only member of the board of directors originally was Steve Bray.	4 5 6	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is
5 6 7		only member of the board of directors originally was Steve Bray. Was S.R. Bray Corp split off from JT Packard?	4 5 6 7	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is in sound financial condition and its employees"
5 6		only member of the board of directors originally was Steve Bray. Was S.R. Bray Corp split off from JT Packard? I'm not entirely sure how you define split.	4 5 6	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is in sound financial condition and its employees' jobs are secure." Is that accurate, or was
5 6 7 8 9		only member of the board of directors originally was Steve Bray. Was S.R. Bray Corp split off from JT Packard? I'm not entirely sure how you define split. The bank group swept our cash and took control	4 5 6 7 8 9	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is in sound financial condition and its employees' jobs are secure." Is that accurate, or was that accurate in 2009?
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5 6 7 8 9 10 11 12	A	only member of the board of directors originally was Steve Bray. Was S.R. Bray Corp split off from JT Packard? I'm not entirely sure how you define split. The bank group swept our cash and took control of the company, so if that's how you define split, then sure. So the bank group came in and took control of	4 5 6 7 8 9 10 11	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is in sound financial condition and its employees' jobs are secure." Is that accurate, or was that accurate in 2009? A As far as I knew, yes. Q And you have the financials, you knew what was going on, right?
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5 6 7 8 9 10 11 12 13 14	A Q	only member of the board of directors originally was Steve Bray. Was S.R. Bray Corp split off from JT Packard? I'm not entirely sure how you define split. The bank group swept our cash and took control of the company, so if that's how you define split, then sure. So the bank group came in and took control of the company? Correct.	4 5 6 7 8 9 10 11 12 13	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is in sound financial condition and its employees' jobs are secure." Is that accurate, or was that accurate in 2009? A As far as I knew, yes. Q And you have the financials, you knew what was going on, right? A Well, I knew what was going on with JT Packard, yes.
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5 6 7 8 9 10 11 12 13 14 15	A Q A Q	only member of the board of directors originally was Steve Bray. Was S.R. Bray Corp split off from JT Packard? I'm not entirely sure how you define split. The bank group swept our cash and took control of the company, so if that's how you define split, then sure. So the bank group came in and took control of the company? Correct. All right. Okay. And that was through Greg Charleston?	4 5 6 7 8 9 10 11 12 13 14	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is in sound financial condition and its employees' jobs are secure." Is that accurate, or was that accurate in 2009? A As far as I knew, yes. Q And you have the financials, you knew what was going on, right? A Well, I knew what was going on with JT Packard, yes. Q You didn't really have any idea what was going on over at S.R. Bray, right?
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A A A	only member of the board of directors originally was Steve Bray. Was S.R. Bray Corp split off from JT Packard? I'm not entirely sure how you define split. The bank group swept our cash and took control of the company, so if that's how you define split, then sure. So the bank group came in and took control of the company? Correct. All right. Okay. And that was through Greg Charleston? Greg Charleston was our chief restructuring officer, or CRO. And that took place in 2009? To the best of my recollection, yes. When I asked you if JT Packard was in a was having financial issues in 2009, your answer	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is in sound financial condition and its employees' jobs are secure." Is that accurate, or was that accurate in 2009? A As far as I knew, yes. Q And you have the financials, you knew what was going on, right? A Well, I knew what was going on with JT Packard, yes. Q You didn't really have any idea what was going on over at S.R. Bray, right? A That would be a true statement. Q All right. Do you have a ballpark idea of what JT Packard's profit was in 2009? A I do not. I can tell you the revenue number was around \$60 million. Q Okay. Well, I mean, are we talking JT Packard
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q	only member of the board of directors originally was Steve Bray. Was S.R. Bray Corp split off from JT Packard? I'm not entirely sure how you define split. The bank group swept our cash and took control of the company, so if that's how you define split, then sure. So the bank group came in and took control of the company? Correct. All right. Okay. And that was through Greg Charleston? Greg Charleston was our chief restructuring officer, or CRO. And that took place in 2009? To the best of my recollection, yes. When I asked you if JT Packard was in a was having financial issues in 2009, your answer was no. Can you explain that to me?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is in sound financial condition and its employees' jobs are secure." Is that accurate, or was that accurate in 2009? A As far as I knew, yes. Q And you have the financials, you knew what was going on, right? A Well, I knew what was going on with JT Packard, yes. Q You didn't really have any idea what was going on over at S.R. Bray, right? A That would be a true statement. Q All right. Do you have a ballpark idea of what JT Packard's profit was in 2009? A I do not. I can tell you the revenue number was around \$60 million. Q Okay. Well, I mean, are we talking JT Packard made a hundred thousand dollars, a million
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Q A Q A Q A Q	only member of the board of directors originally was Steve Bray. Was S.R. Bray Corp split off from JT Packard? I'm not entirely sure how you define split. The bank group swept our cash and took control of the company, so if that's how you define split, then sure. So the bank group came in and took control of the company? Correct. All right. Okay. And that was through Greg Charleston? Greg Charleston was our chief restructuring officer, or CRO. And that took place in 2009? To the best of my recollection, yes. When I asked you if JT Packard was in a was having financial issues in 2009, your answer was no. Can you explain that to me? My review of our financials from	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is in sound financial condition and its employees' jobs are secure." Is that accurate, or was that accurate in 2009? A As far as I knew, yes. Q And you have the financials, you knew what was going on, right? A Well, I knew what was going on with JT Packard, yes. Q You didn't really have any idea what was going on over at S.R. Bray, right? A That would be a true statement. Q All right. Do you have a ballpark idea of what JT Packard's profit was in 2009? A I do not. I can tell you the revenue number was around \$60 million. Q Okay. Well, I mean, are we talking JT Packard made a hundred thousand dollars, a million dollars, \$5 million, \$10 million, do you have
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q	only member of the board of directors originally was Steve Bray. Was S.R. Bray Corp split off from JT Packard? I'm not entirely sure how you define split. The bank group swept our cash and took control of the company, so if that's how you define split, then sure. So the bank group came in and took control of the company? Correct. All right. Okay. And that was through Greg Charleston? Greg Charleston was our chief restructuring officer, or CRO. And that took place in 2009? To the best of my recollection, yes. When I asked you if JT Packard was in a was having financial issues in 2009, your answer was no. Can you explain that to me?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	December 31st; is that right? A Correct. Q All right. Exhibit No. 1 says, "JT Packard is in sound financial condition and its employees' jobs are secure." Is that accurate, or was that accurate in 2009? A As far as I knew, yes. Q And you have the financials, you knew what was going on, right? A Well, I knew what was going on with JT Packard, yes. Q You didn't really have any idea what was going on over at S.R. Bray, right? A That would be a true statement. Q All right. Do you have a ballpark idea of what JT Packard's profit was in 2009? A I do not. I can tell you the revenue number was around \$60 million. Q Okay. Well, I mean, are we talking JT Packard made a hundred thousand dollars, a million

8 (Pages 26 to 29)

1	A	If I had to guess, I would say it would be	1	_	Keith they polished it up.
2	_	closer to \$5 million.	2	Q	Okay. Ultimately, in late 2009, I believe in
3	Q		3		November, JT Packard old JT Packard was
4	A		4		placed into receivership; is that right?
5	Q	•	5	A	I'm not sure of the dates, but that's my
6		2008?	6	_	understanding, yes.
7	_	To the best of my recollection, yes.	7	Q	And ultimately or through the receivership
8	Q	•	8		there was an auction; is that right?
9		of engineering and operations, do you know of a	9	_	That's correct.
10		year that JT Packard was not profitable?	10	Q	e ·
11		MR. VOSS: Old JT Packard?	11		I was.
12		MR. JOHNSON: Old JT Packard.	12	Q	And at the auction there were a number of
13		THE WITNESS: No, I do not know.	13		companies bidding on it?
14	0	BY MR. JOHNSON:	14		Correct.
15	Q	Can we assume that JT Packard has been	15	Q	
16		profitable each year since 2006?	16	A	
17		MR. VOSS: Object to the form. He	17	Q	-
18		said he doesn't know.	18	A	Pfingston was the stocking horse bidder, Thomas
19		THE WITNESS: You can assume	19		& Betts, and a third company, I don't recall
20		anything, I guess.	20		the name of it, but Charlie Eaton, our
21	_	BY MR. JOHNSON:	21	_	ex-president was a part of that group.
22	Q	That's a good answer. That's fine. Were you	22	Q	I'm trying to remember the name. That's all
23		involved at all in the attempts to sell JT	23		right. Did you present to Thomas & Betts the
24		Packard in 2009?	24		Power Point presentation when you were trying
25	Α	Yes.	25		to sell the corporation?
		26			28
1	0	What was your involvement?	1	Α	Yes I did
1 2	Q A	·	1 2	_	Yes, I did. Okay Do you remember that presentation?
2	_	I participated in the sales presentation to	2	Q	Okay. Do you remember that presentation?
2	A	I participated in the sales presentation to prospective buyers.	2	Q A	Okay. Do you remember that presentation? Vaguely. They all run together.
2 3 4	A	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were	2 3 4	Q A	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same
2 3 4 5	A Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there?	2 3 4 5	Q A Q	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing?
2 3 4 5 6	A Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20.	2 3 4 5 6	Q A Q A	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes.
2 3 4 5 6 7	A Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what	2 3 4 5 6 7	Q A Q A	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there
2 3 4 5 6	A Q A Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do?	2 3 4 5 6	Q A Q A	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you
2 3 4 5 6 7 8	A Q A Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the	2 3 4 5 6 7 8	Q A Q A Q	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you remember?
2 3 4 5 6 7 8	A Q A Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the organization that I was responsible for. There	2 3 4 5 6 7 8	Q A Q A Q	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you
2 3 4 5 6 7 8 9	A Q A Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the organization that I was responsible for. There were a number of us in there, in the	2 3 4 5 6 7 8 9	Q A Q A Q	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you remember? They were one of probably a half a dozen groups
2 3 4 5 6 7 8 9 10	A Q A Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the organization that I was responsible for. There were a number of us in there, in the presentations. In the early presentations,	2 3 4 5 6 7 8 9 10	Q A Q A Q	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you remember? They were one of probably a half a dozen groups that sent many, many people.
2 3 4 5 6 7 8 9 10 11	A Q A Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the organization that I was responsible for. There were a number of us in there, in the	2 3 4 5 6 7 8 9 10 11	Q A Q A Q	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you remember? They were one of probably a half a dozen groups that sent many, many people. Okay. Were the presentations in Madison or in
2 3 4 5 6 7 8 9 10 11 12	A Q A Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the organization that I was responsible for. There were a number of us in there, in the presentations. In the early presentations, Keith Bjelejac kind of ran them. As time went	2 3 4 5 6 7 8 9 10 11 12	Q A Q A Q	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you remember? They were one of probably a half a dozen groups that sent many, many people. Okay. Were the presentations in Madison or in Verona? Yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q A Q A A	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the organization that I was responsible for. There were a number of us in there, in the presentations. In the early presentations, Keith Bjelejac kind of ran them. As time went on, he stopped coming out, participated by phone at times. The CRO also participated. And, generally, what were these presentations?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q A Q A Q A Q	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you remember? They were one of probably a half a dozen groups that sent many, many people. Okay. Were the presentations in Madison or in Verona? Yes. Okay. And that is JT Packard's headquarters, right? That's correct.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the organization that I was responsible for. There were a number of us in there, in the presentations. In the early presentations, Keith Bjelejac kind of ran them. As time went on, he stopped coming out, participated by phone at times. The CRO also participated. And, generally, what were these presentations? I mean, were they Power Point presentations, were they just meetings, did you guys have big handouts, or what exactly were the presentations? The presentation was a Power Point and a handout. The handout was the same as the Power	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you remember? They were one of probably a half a dozen groups that sent many, many people. Okay. Were the presentations in Madison or in Verona? Yes. Okay. And that is JT Packard's headquarters, right? That's correct. Okay. During that presentation, what was presented? An overview of the organization in regards to sales, customers, staffing, financials,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the organization that I was responsible for. There were a number of us in there, in the presentations. In the early presentations, Keith Bjelejac kind of ran them. As time went on, he stopped coming out, participated by phone at times. The CRO also participated. And, generally, what were these presentations? I mean, were they Power Point presentations, were they just meetings, did you guys have big handouts, or what exactly were the presentations? The presentation was a Power Point and a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A A	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you remember? They were one of probably a half a dozen groups that sent many, many people. Okay. Were the presentations in Madison or in Verona? Yes. Okay. And that is JT Packard's headquarters, right? That's correct. Okay. During that presentation, what was presented? An overview of the organization in regards to sales, customers, staffing, financials, strengths, weaknesses, strategies, philosophies.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the organization that I was responsible for. There were a number of us in there, in the presentations. In the early presentations, Keith Bjelejac kind of ran them. As time went on, he stopped coming out, participated by phone at times. The CRO also participated. And, generally, what were these presentations? I mean, were they Power Point presentations, were they just meetings, did you guys have big handouts, or what exactly were the presentation was a Power Point and a handout. The handout was the same as the Power Point, primarily prepared by the I guess Keith Bjelejac prepared the first cut of it,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A A	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you remember? They were one of probably a half a dozen groups that sent many, many people. Okay. Were the presentations in Madison or in Verona? Yes. Okay. And that is JT Packard's headquarters, right? That's correct. Okay. During that presentation, what was presented? An overview of the organization in regards to sales, customers, staffing, financials, strengths, weaknesses, strategies, philosophies. Was there any discussion of the Brian Teed and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Q A Q Q	I participated in the sales presentation to prospective buyers. Okay. How many of those presentations were there? I'm not exactly sure, 15 or 20. And when you say you participated in them, what exactly did you do? I provided or presented the portion of the organization that I was responsible for. There were a number of us in there, in the presentations. In the early presentations, Keith Bjelejac kind of ran them. As time went on, he stopped coming out, participated by phone at times. The CRO also participated. And, generally, what were these presentations? I mean, were they Power Point presentations, were they just meetings, did you guys have big handouts, or what exactly were the presentations? The presentation was a Power Point and a handout. The handout was the same as the Power Point, primarily prepared by the I guess	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q A Q A Q A Q A A	Okay. Do you remember that presentation? Vaguely. They all run together. Were all the presentations pretty much the same thing? Yes. Okay. So anything that Well, was there anything specific about Thomas & Betts that you remember? They were one of probably a half a dozen groups that sent many, many people. Okay. Were the presentations in Madison or in Verona? Yes. Okay. And that is JT Packard's headquarters, right? That's correct. Okay. During that presentation, what was presented? An overview of the organization in regards to sales, customers, staffing, financials, strengths, weaknesses, strategies, philosophies.

9 (Pages 30 to 33)

1	presentations?	1 A I do not recall.
2	A There was a slide in the presentation regarding	2 Q Other than the one slide?
3	litigation.	3 A Correct.
4	Q What was on that slide?	4 Q During the auction, was the either the Teed
5	A I don't remember the exact words on the slide.	5 or Clay lawsuits discussed?
6	The thing that stuck out in my mind most about	6 A There was some discussions surrounding language
7	it was Keith Bjelejac explaining to the	7 in the sales agreement, but I don't recall
8	participants that the litigation would be	8 specifically what they were talking about.
9	carved out and the buyers didn't have to worry	9 Q That auction went pretty much the entire day,
10	about it.	10 right?
11	Q Did Keith explain why the buyers didn't have to	11 A Yes, it did.
12	worry about it?	12 Q Late into the evening?
13	A Not that I recall. I just assumed because that	13 A Not terribly late, but into the evening.
14	was Keith and Steve Bray's problem.	14 Q That discussion on the language in the sales
15	(Exhibit No. 2 marked for identification.)	agreement, do you remember what that discussion
16	BY MR. JOHNSON:	16 was about?
17	Q If you could take a look through Exhibit No. 2	17 A The three different participants had varying
18	for me, please.	18 issues with the language, and it seemed like
19	A (Witness complies.)	there was negotiation of the language in the
20	Q All right. Mr. Sears, have you had an	20 sales agreement that was going along as the
21	opportunity to take a look at Exhibit No. 2,	21 auction was going along.
22	which is Bates stamped TEED000283 through 306	
23	A Yes, I have.	23 Teed and Clay overtime suits; is that right?
24	Q Okay. Was this presented to the potential	24 A I don't know that, to be sure.
25	buyers?	25 Q Did anybody from Thomas & Betts have anything
23	buyers:	
	3(32
1	A Not that I'm aware of.	1 to say about the Teed and Clay lawsuits during
2	Q Okay. Then we'll get back to that. Do you	2 the auction?
3	know what Strike that.	3 A I had no discussions with any of the
4	Did the documents that were presented to	4 participants during the auction.
5	the potential buyers have a name, did you call	5 Q Were you in separate rooms?
6	them anything?	6 A In the beginning, yes. JT Packard and our
7	A The presentation.	7 representative was in the room with the
8	Q Okay.	8 receiver, and they would go get each party,
9	A There is a number on the cover page or some	9 bring them into the room, there would be a
10	writing on the cover page. I don't recall what	10 whole lot of chatter, there may be a bid, they
11	it said.	may have been told what the last bid was, they
12	Q Okay. Do you still have that document	would leave, discuss it, come back, make
13	somewhere?	theirs, and that went on for the better part of
14	A Yes.	14 the day.
15	Q Did you ever meet with the receiver, Michael	15 At the end of the day, we got kicked out
16	Polsky?	of the room that we were in, moved across the
17	A I think he was at our office at one time. I	hall, and at that point they were all in the
18	don't know that I actually sat down and met	18 hallway, more or less, and took turns coming
19	with him.	19 and going. So the T & B and Pfingston and the
20	Q He was at the auction though, right?	20 third party were in separate rooms, except for
21	A Yes.	21 when they were hearing what the last bid was
22	Q During the presentation to Thomas & Betts, do	
23	you recall anything being said about the	23 Q Do you recall hearing any conversations about
24	overtime litigation and the Teed and Clay	24 the overtime lawsuits while Thomas & Betts was
25	matters?	in the room or the representative of Thomas &
Ц	33	. 33

10 (Pages 34 to 37)

1		Betts was in the room?	1		organization, yes.
2	A	I couldn't be sure. I don't recall exactly who	2		BY MR. JOHNSON:
3		was in the room when those discussions were	3	Q	There was some uncertainty?
4		going on. It was in reference to language in	4	A	I would say that's a good statement.
5		the sales agreement regarding the lawsuits, but	5	Q	Did you know that you would have a job after
6		again I don't remember the particulars about	6		closing?
7		what they were saying. I wasn't paying that	7	A	I was very confident that I would continue to
8		close attention.	8		be employed, yes.
9	Q	Were they discussing whether they may be liable	9	Q	And why was that?
10		for the lawsuits?	10	A	I kind of know where all the skeletons are
11		MR. VOSS: Object to the form. Asked	11		buried, know how everything works. They need
12		and answered.	12		me.
13		THE WITNESS: Again, I don't recall	13	Q	That's what I hear. That's what I hear. I
14		the details of their discussions.	14		hear good things about you. When did you find
15		BY MR. JOHNSON:	15		out for sure that you were going to have a job
16	Q	Were there any other lawsuits pending against	16		after the closing?
17		the old JT Packard at the time of the sale?	17	A	I think I think it probably would have been
18	A	I don't believe so.	18		either the day of the closing or shortly
19	Q	Was JT Packard involved in any lawsuits against	19		thereafter, or a day before.
20		anybody else, the old JT Packard, at the time	20	Q	How did that work?
21		of sale?	21	A	Thomas & Betts did not hire all of the
22	A	I don't believe so.	22		employees from old JT Packard, and they
23	Q	The auction took place on January 19; is that	23		requested my assistance in deciding who some of
24		correct?	24		the ones were going to be that they were not
25	A	Sounds about right.	25		going to hire. My name wasn't on the list, so
		34			36
1	Q	And closing took place the next week, is that	1		that was a good sign.
2		about right?	2	Q	That's a good sign. And did that take place
3	A	Seems like it was around January 26.	3		before or after the closing?
4	Q	•	4		That took place before the closing.
5		auction, is that right?	5	Q	Okay. And who was involved in that; was it a
6	A	That's correct.	6		meeting?
7	Q	,	7	A	I'm sure it was. I was in my office, and my
8		conversation with Thomas & Betts?	8		new boss was coming to me with lists, and he
9	A	I believe that my now boss, Michael Lamothe,	9		came and went a few times. He was the only
10		and his boss, Viswas Purani, held a town hall	10		person I dealt with on it.
11		meeting kind of thing in the middle of our	11	Q	How did you know or how were you informed that
12		office, just expressing how happy they were to	12		you had a job?
13	_	now own us.	13	A	I don't know that I was informed that I had a
14	Q		14	_	job. I just was never asked to leave.
15	A		15	Q	So you just showed up the next day after the
16	Q		16		closing and kept on working?
17	A	,	17		Correct.
18		closing.	18	Q	, , ,
		Was it business as usual for JT Packard that	19		title?
19	Q				
20	Q	week?	20	А	In the week or weeks that followed the closing,
20 21	Q	week? MR. VOSS: Object to the form.	21	А	my boss and our director of HR, Jolene, came to
20 21 22	Q	week? MR. VOSS: Object to the form. THE WITNESS: I guess it was business	21 22	А	my boss and our director of HR, Jolene, came to me with an agreement basically that they wanted
20 21 22 23	Q	week? MR. VOSS: Object to the form. THE WITNESS: I guess it was business as usual as much as it could be now, knowing	21 22 23	А	my boss and our director of HR, Jolene, came to me with an agreement basically that they wanted me to sign, stating that I would continue to
20 21 22 23 24	Q	week? MR. VOSS: Object to the form. THE WITNESS: I guess it was business as usual as much as it could be now, knowing that you have somebody else that owns you and	21 22 23 24	A	my boss and our director of HR, Jolene, came to me with an agreement basically that they wanted me to sign, stating that I would continue to perform the function that I do for the
20 21 22 23	Q	week? MR. VOSS: Object to the form. THE WITNESS: I guess it was business as usual as much as it could be now, knowing	21 22 23	A	my boss and our director of HR, Jolene, came to me with an agreement basically that they wanted me to sign, stating that I would continue to

11 (Pages 38 to 41)

1	O. Wardlad Lauren Edward March 9	1 A Cast Danisan
1	Q Was that January, February, March?	1 A Scott Bowman.
2	A It was in the week following the closing, I	2 Q When did Scott Bowman lose his job?
3	don't remember, it was in the first week or a	3 A I believe the same time as everyone else there,
4	couple weeks later, fairly close after the	4 but again, I think it was between the auction
5	closing.	5 and the closing date.
6	Q Okay. So on January 27th, it was business as	6 Q Do you know how many regional managers lost
7	usual?	7 their job?
8	MR. VOSS: Object to the form.	8 A One, I believe.
9	THE WITNESS: As much as it could be,	9 Q Okay. Do you know who that was?
10	yes.	10 A The name escapes me. It will come to me.
11	BY MR. JOHNSON:	11 Q All right. And the remainder were field
12	Q And was that a goal, to keep on going as the	12 engineers?
13	same as a company, for the company to	13 A I believe so, yes.
14	continue the same as it was before the sale	14 Q So, ballpark, 19 field engineers?
15	after the sale?	15 A Yes.
16	MR. VOSS: Object to the form.	16 Q All right. As far as the
17	THE WITNESS: I don't know that it	17 A Excuse me. His name is Dennis Graves, the
18	was a goal, and I don't know that things	18 northeast regional manager.
19	continued on the same as they were before	19 Q Okay. Scott Bowman, he was the area service
20	either.	20 director for what area?
21	BY MR. JOHNSON:	21 A That would have been the central area.
22	Q The people who were on the short list, the	22 Q What's his Was his position filled by
23	people who lost their job after the sale, when	23 anybody else?
24	did they lose their job?	24 A His position was eliminated.
25	A I don't recall exactly if it was before the	25 Q What about Dennis Graves, the regional manager
	38	40
1	closing, seems like it was, or if it was after.	position, was that eliminated?
2	Q How were they notified?	2 A His position was filled by somebody else.
3	A I believe that our CRO and our director of HR	3 Q Okay. Was there any particular reason you got
4	notified them.	4 rid of Scott Bowman?
5	Q Do you remember how many employees lost their	
6	position?	6 the weakest link.
7	A I believe it was 42.	7 Q Okay. What about Dennis Graves?
8	Q Of those 42, how many were local, worked in	8 A Same kind of thing. Out of all the regional
9	Verona?	9 managers, he was the weakest link, and when we
10	A Maybe 21, maybe half.	10 overlaid the Thomas & Betts field service
11	Q And the other approximately 21 worked out in	11 organization, they had a stronger player in
12	the field?	12 that area.
13	A That would be correct.	13 Q And that's who filled the position?
14	Q All right. When I say "out in the field," I	14 A Correct.
15	know I said it, but what do you mean by that,	15 Q And with the 19 field engineers, why did they
16	is that field engineers and supervisory staff	lose their job?
1	and the second s	_
17	of the field engineers?	17 A They would have been the weakest links.
	of the field engineers? A I would call them remote employees.	17 A They would have been the weakest links, 18 overstaffed areas, made the most business sense
18	A I would call them remote employees.	18 overstaffed areas, made the most business sense
	A I would call them remote employees.Q Okay.	overstaffed areas, made the most business sense that if we had to let somebody go, that it
18 19	A I would call them remote employees.	18 overstaffed areas, made the most business sense 19 that if we had to let somebody go, that it 20 would be those guys.
18 19 20	 A I would call them remote employees. Q Okay. A Field engineers, regional manager, an area service director. 	overstaffed areas, made the most business sense that if we had to let somebody go, that it would be those guys. Q Did Thomas & Betts have a similar ongoing
18 19 20 21 22	 A I would call them remote employees. Q Okay. A Field engineers, regional manager, an area service director. Q Okay. How many area service directors lost 	overstaffed areas, made the most business sense that if we had to let somebody go, that it would be those guys. Q Did Thomas & Betts have a similar ongoing business as JT Packard, you know, providing the
18 19 20 21	 A I would call them remote employees. Q Okay. A Field engineers, regional manager, an area service director. Q Okay. How many area service directors lost their job? 	overstaffed areas, made the most business sense that if we had to let somebody go, that it would be those guys. Q Did Thomas & Betts have a similar ongoing business as JT Packard, you know, providing the service to uninterruptible power supplies?
18 19 20 21 22 23 24	 A I would call them remote employees. Q Okay. A Field engineers, regional manager, an area service director. Q Okay. How many area service directors lost their job? A One. 	overstaffed areas, made the most business sense that if we had to let somebody go, that it would be those guys. Q Did Thomas & Betts have a similar ongoing business as JT Packard, you know, providing the service to uninterruptible power supplies? A Yes, they did.
18 19 20 21 22 23	 A I would call them remote employees. Q Okay. A Field engineers, regional manager, an area service director. Q Okay. How many area service directors lost their job? 	overstaffed areas, made the most business sense that if we had to let somebody go, that it would be those guys. Q Did Thomas & Betts have a similar ongoing business as JT Packard, you know, providing the service to uninterruptible power supplies?

12 (Pages 42 to 45)

1	A 37		1		on loss husiness development deportment uses
1	A Yes.	41-41-41-4	1 2		or less business development department was
2		that business was meshed			eliminated, yes.
3	=	Packard, the new JT Packard	4		Okay. And do you know when his job was eliminated?
4	after the sale, is the	nat right:	1		
5	A That's correct.		6		Well, I believe around the same time as the others.
6 7	Q So there was some	-			
		overlap in the field, yes.			He wasn't too happy, was he?
8		e some of the field engineers,		A	,
9	•	were those eliminated because	10	Q	Okay. (Exhibit No. 3 marked for identification.)
10	of that overlap?	-11 b b	11		BY MR. JOHNSON:
11 12	reasoning, yes.	ell have been some of the			
			13		Have you had the opportunity to look at
13	-	not strong employees?			TEED000308? Yes, I have.
14	A That as well, yes			_	
15		group of folks that worked in		Q	Have you seen this before?
16		or so folks, were there		_	Yes, I do believe I've seen this before.
17		f JT Packard of the old JT		Q	And this is a press release from Thomas & Betts
18		e removed, or why did those	18		on January 20, 2010 regarding the auction,
19	positions go away		19		purchase and upcoming closing on the JT Packard
20		re actually in any of my	20		sale, is that right?
21		e reasoning for their	1		Well, I believe the document speaks for itself,
22	selection, I couldn	_	22		yes.
23	-	at some of the management	1	_	Okay. Your understanding of the purchase
24		were based on Thomas &	24		price, the net purchase price was \$22 million,
25	Betts' evaluation a	nd interview process, and	25		is that accurate?
		42			44
1	how they wanted th	e company restructured, but	1 .	A	That's what That is what it says in the
2		pinion of why they did that.	2		document, yes.
3		nding, and I can be wrong, I	3		Is that your recollection of what the price
4	hear all kinds of t	hings, as I'm sure you can	4		was?
5	imagine, that a pe	rcentage of the employees,	5 .	A	For some reason, I believe that the auction
6		es were sales staff, is that	6		ended at \$28 million, but this does describe it
7	right?		7		as a net purchase price, so it could be.
8	A We have three sale	es departments within JT	8	Q	Slippery numbers?
9	Packard, yes.	-			They are.
10	Q Okay. Is that old	l JT Packard or new JT	10	Q	And does this document refresh your
11	Packard?		11	-	recollection that the closing was on January 26
12	A That is both.		12		of 2010?
13	Q Okay. What are	those three sales staffs?	13		Yes, it does.
14	A The service sales of	lepartment, the time and			Okay. And I think you already testified to it,
15		sales department, and the	15		but the JT Packard sales in 2009 were \$60
16	equipment sales de		16		million?
17		the 21 positions in Verona that	17 .	A	That's what the document says, yes.
18	were discarded in				And that's what your testimony earlier was, is
19	A I believe there wer	re some sales personnel that	19		that right?
20	were let go, yes.	•	20		I believe so.
21	= -	of those three parts of the			Is the description of JT Packard's business in
22	- · ·	eliminated, the entire part?	22		the first paragraph of this document accurate,
23	A I wouldn't say the	-	23		old JT Packard?
24		minated; however, Jim			I believe it to be, yes.
25		ousiness development and more	l	Q	Okay. And is that an accurate depiction or
	,	43		•	45
					15

13 (Pages 46 to 49)

business? A I think, as the disclaimer paragraph at the looking-forward type verbiage, but I think that a dequatedy describes the direction we are headed, yes. Packard? NR. VOSS: Object to the form. MR. VOSS: Object to the form. MR. VORS: Object to the form. THE WITNESS: I believe our core pusiness is servicing critical power equipment, and other business, other than servicing critical power equipment, and the total power equipment. A Critical power equipment. A Criti	1	accurate description of new JT Packard's	1 Q And new JT Packard services fire suppression
bottom states, that it contains some looking forward type verbiage, but I think that adequately describes the direction we are headed, yes. Q All right. Okay. Did JT Packard's core business change from old JT Packard to new JT RR, VOSS: Object to the form. MR, JOHNSON: Do you understand the question? HE WITNESS: I believe our core business is servicing critical power equipment, and, no, that has not changed. RR Was were equipment, doi? A The sorry. Could you — could you repeat the guestion? Q Okay. Well, you said JT Packard's core business was servicing critical power, was that right? A Critical power equipment? A Critical power equipment. A Critical power equipment. A Critical power equipment, C Okay. Nand also services — What was the third thing you said? A Generators. A Createrators. A Man the new JT Packard still services the generators, is that right? A Yes. Q What is that twist? A We are selling it at a profit now. Q Selling the service? A Yes. Q Okay. Does new JT Packard continue to sell batteries? A Yes. Q Okay. Well, you said JT Packard's core business was servicing critical power, was that right? A Critical power equipment? A Critical power equipment. Q Critical power equipment, A The same other equipment, also? A Yes. Q Okay. Thank you. Other than servicing critical power equipment, what was old JT Packard's business? A The other lines of business that we are in is servicing generators, than servicing critical power equipment, what was old JT Packard's business? A The other lines of business that we are in is servicing generators, than servicing the table. D Okay. And also services what the thing you said? A Yes. Q Okay. Thankard? A The service requipment also, battery sules, time and material sales. Q Okay. And also services the industrial product so we are other products, and expansions, and strategies in the works, yes. Q Okay. Dos new JT Packard did not do. Q New JT Packard continues to service critical power equipment, what was old JT Packard's business, and tha	2	business?	2 units?
booking-forward type verbiage, but I think that adequately describes the direction we are headed, yes. Q All right. Okay. Did JT Packard's core business change from old JT Packard to new JT Packard? MR. JOHNSON: Do you understand the question? HE WITNESS: I believe our core to business is servicing critical power equipment, and, no, that has not changed. A That sorrect. Q What is that twist? A We are selling if at a profit now. Q Selling the service? A Yes. Q And does new JT Packard continue to sell batteries? A Yes. Q And does new JT Packard continue to sell the same other equipment, and some other products, now that Thomas & Betts brings us to the table. A Yes. Q Vou're selling Thomas & Betts products now also? A Yes. Q Critical power equipment. A Critical power equipment. Q Critical power equipment. Q Critical power equipment. Q Critical power equipment. A Critical power equipment. Q Critical power equipment. Q Critical power equipment, what was old JT Packard's business? A The other lines of business that we are in is servicing generators. HYAC; fire suppression. Q And that's old JT Packard? A Nes. Q Okay. Anything else? Q New, Anything else? Q Notay. Anything else? Q Okay. Anything else? Q Okay. Anything else? Q Okay. Anything else? Q Okay. Anything else? Q New JT Packard continues to service critical power equipment, si that right? M Yes. Q What care the industrial base? Q What care the industrial base? Q What care other products, and expansions, and strategies in the works, yes. Q What exactly is that? A Har's correct. Q Okay. New JT Packard services HVAC? D New JT Packard did not do. Q New JT Packard did not do. Q New JT Packard services the customer base? A That's correct. Q Okay. New JT Packard services HVAC? D New JT Packard did not do. Q New JT Packard services HVAC? D New JT Packard did not do. Q New JT Packard services the customer bas	3	A I think, as the disclaimer paragraph at the	3 A Yes.
adequately describes the direction we are headed, yes. Q All right. Okay. Did JT Packard's core business change from old JT Packard to new JT Packard. MR. VOSS: Object to the form. MR. JOHNSON: Do you understand the question? THE WITNESS: I believe our core to business is servicing critical power equipment, and to changed. What other business, other than servicing critical power, as a proper equipment, did old JT Packard of or. MR. JOHNSON: Do you understand the question? What other business, other than servicing critical power equipment, did old JT Packard of or. What other business, other than servicing critical power equipment, did old JT Packard of or. O Okay. Well, you said JT Packard's core business was servicing critical power, was that right? A Critical power equipment. O Critical power equipment. A Critical power equipment. O Critical power equipment. A Critical power equipment, what was old JT Packard's business. A The other lines of business that we are in is sevicing generators. HVAC, fire suppression. A The other lines of business that we are in is sevicing generators. HVAC, fire suppression. A The other lines of business that we are in is sevicing generators. HVAC, fire suppression. A The other lines of business that we are in is sevicing generators. HVAC, fire suppression. A The score. A The A Critical power equipment, what was old JT Packard to the table. A The A Critical power equipment, what was old JT Packard to the table in the works, yes, and that some the products and expansions, and strategies in the works, yes. A That's correct. A Th	4	bottom states, that it contains some	4 Q Okay. And also services What was the third
headed, yes. Q All right. Olays. Did JT Packard's core business change from old JT Packard to new JT Packard? MR. VOSS: Object to the form. MR. JOHNSON: Do you understand the question? THE WITNESS: I believe our core business is servicing critical power equipment, and, no, that has not changed. BY MR. JOHNSON: Q What other business, other than servicing critical power equipment, did old JT Packard oo? A Im sorry. Could you — could you repeat the question? A Im sorry. Could you — could you repeat the question? A Im sorry. Could you — could you repeat the question? A The same other equipment. Q Critical power equipment. A Critical power equipment. Q Critical power equipment. Q Critical power equipment. A Critical power equipment. Q Critical power equipment. A Yes. Q Okay. Well, you said JT Packard's core business was servicing critical power, was that right? A Yes. A Yes. Q Okay. Thank you. Other than servicing critical power equipment, what was old JT Packard's business that we are in sis servicing generators, HVAC, fire suppression. A The other lines of business that we are in sis servicing generators, HVAC, fire suppression. Q And the new JT Packard still services the generators, is that right? A Yes. Q Okay. Well, with a still right of the service? A The same other equipment. Q Okay. Thank you. Other than servicing critical power equipment, what was old JT Packard's business; A The other lines of business that we are in sis servicing generators, HVAC, fire suppression. Q Okay. Anything else? A The store the substiness that we are in sis servicing generators, HVAC, fire suppression. Q Okay. Anything else? A The store the substiness that we are in sis servicing generators, HVAC, fire suppression. Q Okay. Thank your could power equipment, what was old JT Packard of the substiness that we are in sis servicing generators, HVAC, fire suppression. Q Okay. Thank your could power equipment, what was old JT Packard for the suppression and strategies in the works, yes. Q Okay. Thank yo	5	looking-forward type verbiage, but I think that	5 thing you said?
8 A Yes. 9 All right. Okay. Did JT Packard's core business change from old JT Packard to new JT Packard? 11	6	adequately describes the direction we are	6 A Generators.
business change from old JT Packard to new JT Packard? MR. VOSS: Object to the form. MR. JOHNSON: Do you understand the question? THE WITNESS: I believe our core business is servicing critical power equipment, and, no, that has not changed. A Ps. S. Q What other business, other than servicing critical power equipment, did old JT Packard do? A Ps. S. Q What other business, other than servicing critical power equipment, did old JT Packard do? A Ps. S. Q Okay. Well, you said JT Packard's core business was servicing critical power, was that right? A Critical power equipment. A Critical power equipment. A Critical power equipment, what was old JT Packard's power equipment, what was old JT Packard's power equipment, what was old JT Packard's business? A The other lines of business that we are in is servicing generators, HVAC, fire suppression. A Yes. Q Okay. Anything dse? A The dord that's old JT Packard? A Yes. Q Okay. Anything dse? A The same other equipment generators, HVAC, fire suppression. B Setts products now also? A Yes. Q Okay. Anything dse? A Yes. D Q Mad dat's old JT Packard? A Yes. D Q Okay. Anything dse? A Yes. D Q Okay. Anything dse? A That Scorrect. Q New JT Packard continues to service critical power equipment, is that right? A That's correct. Q And that's old T Packard's core business, that right? A That's correct. Q And does new JT Packard dontinue to sell the same other equipment? A Yes. D Okay. Dother than servicing critical power equipment, and some other products, now that Thomas & Betts brings us to the table. A Setting the area equipment and the table. A Yes. D Okay. Dothat's old JT Packard? A New JT Packard also services the industrial service. There are other equipment and the expansions, and strategies in the works, yes. D Okay. Dothat's old JT Packard's core business, that orrect? Q A That's correct. Q A That's correct. Q A That's correct. Q Okay. New JT Packard continues to be new JT Packard's core business, is that correct? A That's correct.	7	headed, yes.	7 Q Generators?
10 Packard? VOSS: Object to the form. 11 MR, JOHNSON: Do you understand the question? 12 MR, JOHNSON: Do you understand the question? 13 THE WITNESS: Ibelieve our core business is servicing critical power equipment, and, no, that has not changed. 16 BY MR, JOHNSON: 17 BY MR, JOHNSON: 18 Q What other business, other than servicing critical power equipment, did old JT Packard do? 20 A T ms orry. Could you could you repeat the question? 21 A I'm sorry. Could you could you repeat the question? 22 Q Okay. Well, you said JT Packard's core business was servicing critical power, was that right? 23 Q Okay. Well, you said JT Packard's core business was servicing critical power, was that right? 24 business was servicing critical power, was that right? 25 right? 26 A Critical power equipment. 26 Q Critical power equipment? 27 A The other lines of business that we are in is servicing generators, HVAC, fire suppression. 28 Q Okay. Thank you. Other than servicing critical power equipment, what was old JT packard's business? 29 A The other lines of business that we are in is servicing generators, HVAC, fire suppression. 20 Q Okay. Anything else? 21 Q Okay. Anything else? 22 Q Okay. Anything else? 23 A Yes. 24 Q Okay. Anything else? 25 A Sure. Equipment sales, battery sales, time and material sales. 29 Q Okay. Anything else? 20 Q A That's correct. 20 Q Okay. New JT Packard continues to be new JT Packard's core business, is that right? 20 Q Okay. New JT Packard continues to be new JT Packard's core business, is that correct? 20 Q Okay. New JT Packard services HVAC? 21 Q Okay. New JT Packard services HVAC? 22 Q Okay. New JT Packard services HVAC? 23 A Yes. 24 Q Okay. New JT Packard services HVAC? 25 Q Okay. New JT Packard services HVAC? 26 Q Okay. New JT Packard services HVAC? 27 Q Okay. New JT Packard services HVAC? 28 A Yes. 29 Q Okay. New JT Packard services HVAC? 20 Q Okay. Same services, but a different set of products as well.	8	• •	8 A Yes.
MR. VOSS: Object to the form. MR. JOHNSON: Do you understand the quistion? THE WITNESS: I believe our core business is servicing critical power equipment, and, no, that has not changed. What other business, other than servicing critical power equipment, did old JT Packard do? A Tm sorry. Could you — could you repeat the question? Q Okay. Well, you said JT Packard's core business was servicing critical power, was that right? A Critical power equipment. Q Octritical power equipment. A Yes. Q Oray. Thank you. Other than servicing critical power equipment, what was old JT Packard's business? A The other lines of business that we are in is servicing generators, HVAC, fire suppression. A Yes. Q Okay. Anything else? A The other lines of business that we are in is servicing generators, HVAC, fire suppression. D Q And that's old JT Packard? A Yes. Q Okay. Anything else? A The comment of the works, yes. D Q Okay. Anything else? A The comment of the works, yes. D Q Okay. Anything else? A The same other equipment, and some other products, now that Thomas & Betts brings to the table. New JT Packard also services the industrial product base that Thomas & Betts brings to the table. New JT Packard, forward looking, may very well soon be a self-performing HVAC services of the industrial base? Q Okay. Anything else? A The same other equipment, and some other products, now that Thomas & Betts brings to the table. New JT Packard, forward looking, may very well soon be a self-performing HVAC expansions, and strategies in the works, yes. Q Okay. Bid they sell any equipment, old JT packard? A That's correct. Q And that continues to be new JT Packard's core business, is that correct? Q And that continues to be new JT Packard's core business, is that correct? Q And that continues to be new JT Packard's core business, is that correct? Q Okay. New JT Packard services HVAC? Q Okay. New J	9	business change from old JT Packard to new JT	9 Q And the new JT Packard still services the
MR. JOHNSON: Do you understand the question? THE WITNESS: I believe our core business is servicing critical power equipment, and, no, that has not changed. BY MR. JOHNSON: What is that twist? A We are selling it at a profit now. Selling the service? A Yes. Selling the service? A Yes. Selling the service? A Yes. What other business, other than servicing critical power equipment, did old JT Packard od? A The sorry. Could you could you repeat the question? A Yes. A The sorry. Could you could you repeat the question? A Yes. A Critical power equipment. A Critical power equipment, what was old JT critical power equipment, and state gives the ind	10	Packard?	
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14 (Pages 50 to 53)

1 A And customer base, different market. 3 Q The industrial base, what percentage of new JT 4 Packard's work is that? 5 A I don't really have a good grasp on that yet, 6 as we are still working in two different 7 systems. That's something we are trying to 8 resolve. I would imagine that if Power 9 Solutions' service business is \$10 million and 1 JT Packard is \$60 million, that it's probably 1 about a sixth. 1 A Nothing but opportunities. 1 Q Okay. Sounds like you got a headache on your 1 a hands. 1 A Nothing but opportunities. 1 Q Gas half full? 1 D Q Gas half full? 1 A Theak you. 1 JT Packard is \$60 million that it's probably about a sixth. 1 A Nothing but opportunities. 1 Q Go Nay. Is it Thomas & Betts Power Solutions doing business as. Ti Packard, the official name is what? 2 Q Ow quick question about Exhibit No. 3. That's in front of you there? 2 A Yes. 2 Q D There is a picture in the bottom left corner. 2 A No. it is not. 2 D It's not? 2 A No. it is not. 2 D It's not? 3 Q Is that somebody that's supposed to look like a field engineer? 3 A Sure. 4 Field engineer in the bottom left corner. 5 A Sure. 5 A Sure. 5 A Sure. 6 A Correct. 7 Q Power Plus is the name that S.R. Bray Corp was doing business as, right? 8 A It'you you have glass of the life of the law is cornect. 9 A Thank you. 1 D Q Field engineers? 1 S A Thomak you. 2 A Yes. 2 A Yes. 2 Q O Gusta And I'm assuming everybody else does, to o? 2 Levept for the lawyers? 2 A Yes. 3 Q Inter is a picture in the bottom left corner. 2 A No. it is not. 2 D It's not? 2 A No. it is not. 3 C Is that somebody that's supposed to look like a field engineer? 4 Field engineer? 5 A Sure. 6 A Sure. 7 A IT packard. 9 A No Have a sure and the accountants and the auditors. 9 C Sure and I'm assuming everybody else does, or	- 1		
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Solutions' service business is \$10 million and IT Packard is \$60 million, that it's probably about a sixth. Q Okay, Sounds like you got a headache on your hands. A Nothing but opportunities. A Nothing but opportunities. A Speaking of glasses, could I have a glass of water? A Speaking of glasses, could I have a glass of water? A Thank you. Q Ore quick question about Exhibit No. 3. That's in front of you there? A Yes. Q There is a picture in the bottom left corner. Is that one of the field engineers? A No, it is not. A Speaking of glasses, could I have a glass of water? A IT Packard, LLC, yes. Q One quick question about Exhibit No. 3. That's in front of you there? A Yes. Q There is a picture in the bottom left corner. Is that one of the field engineers? A No, it is not. D It's not? A No. Q It's not? A No. Q It's not? A No. A If you say so. This is in black and white, so I can't tell you. Q It's way in that a couple positions were gotten rid of, but was your job essentially the same? A It is, only not that polo shirt, because the polo shirt and jeans? A It's, only not that polo shirt, because the shirt. A It's, only not that polo shirt, because the shirt. A It's only not that polo shirt, because the shirt. A Right Packard. A It's not? A No. A If was made the accountants and the question. A It's only not that polo shirt, because the shirt. A It's only not that polo shirt, because the shirt. A It's only not that polo shirt, because the shirt. A It's only not that polo shirt, because the shirt. A Right Packard. A It's only not that polo shirt, because the shirt. A It's only not that polo shirt, because the shirt. A Right Packard. A Right Packard. A It's a Except for the lawyers? A It's not? A No. B Will Divisions as IT Packard? A Except for the lawyers? A Except for the lawyers in the sale or after the closing, in that a couple positio	7	systems. That's something we are trying to	7 Q Power Plus is the name that S.R. Bray Corp was
JT Packard is \$60 million, that it's probably about a sixth. Q Okay. Sounds like you got a headache on your hands. A Nothing but opportunities. A Speaking of glasses, could I have a glass of water? A Thank you. Q One quick question about Exhibit No. 3. That's in front of you there? A Thank you. Q One quick question about Exhibit No. 3. That's in front of you there? A Thank you. Q There is a picture in the bottom left corner. Is In that one of the field engineers? A No, it is not. D It's not? A No, it is not one betting in the bottom left corner. B A Recept for the lawyers and the accountants and the adultions. D It's not? A No, it is not one betting in the deal or not is n	8	resolve. I would imagine that if Power	8 doing business as, right?
1	9	Solutions' service business is \$10 million and	9 A I believe that is correct.
12 Q Okay. Sounds like you got a headache on your hands. 13 A Nothing but opportunities. 14 A Nothing but opportunities. 14 4 A Speaking of glasses, could I have a glass of 15 Q Glass half full? 15 A It may very well be. 16 Q You just know it as JT Packard? 17 A JT Packard, LLC, yes. 18 Q Okay. 19 A Jijust call it JT Packard. 17 A Jijust call it JT Packard. 17 A Jijust call it JT Packard. 18 Q Okay. 19 A Jijust call it JT Packard. 18 Q Okay. 19 A Jijust call it JT Packard. 10 Q Except for the lawyers? 10 A Except for the lawyers? 10 Except for the lawyers? 10 Except for the lawyers? 10 Except for the lawyers and the accountants and the auditors. 10 Except for the lawyers and the accountants and the auditors. 10 A Except for the lawyers and the accountants and the auditors. 10 A Except for the lawyers and the accountants and the auditors. 11 A Except for the lawyers and the accountants and the auditors. 12 A Except for the lawyers and the accountants and the auditors. 13 Q Swhen you went to work on January 27, work was a little bit different after the sale or after the closing, in that a couple positions were gotter rid of, but was your job essentially the same? 15 A Except for the lawyers and the accountants and the auditors. 16 A We don't want polo shirt, because the field requirement is a long-sleeve, all cotton shirt. 14 Same. 15 A Except for the lawyers and the accountants and the auditors. 16 A We don't want them to. 17 Q Try not to, right? 17 A Trackard. 18 Try ackard. 19 A Try ackard. 19 A Try ackard. 19 A Try ackard. 19 A Except for the lawyers? 19 A Except for the lawyers and the accountant	10	JT Packard is \$60 million, that it's probably	10 Q Okay. The current name of JT Packard, the
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14 A Nothing but opportunities. 14 doing business as JT Packard? 15 Q Glass half full? 15 A It may very well be. 16 Q You just Know it as JT Packard? 17 A JT Packard, LLC, yes. 18 Q Of course. 18 Q Okay. 19 A Thank you. 19 A Ijust call it JT Packard. 20 Q One quick question about Exhibit No. 3. That's in front of you there? 22 A Yes. 21 A There is a picture in the bottom left corner. 24 Is that one of the field engineers? 24 A Everybody Italk to. 25 A No. The state of the field engineers? 24 A Everybody Italk to. 26 Q If's not? 25 Q Except for the lawyers? 27 A No. The state of the field engineer? 25 A Sure. 26 A Sure. 28 A Sure. 1 A Except for the lawyers and the accountants and the auditors. 26 A Sure. 27 A Sure. 28 A Sure. 29 A If you say so. This is in black and white, so I can't tell you. 9 A It is, only not that polo shirt, because the field requirement is a long-sleeve, all cotton shirt. 14 Sint. 14 Sint. 15 Q Sure. Can't start a fire, right? 15 BY MR. JOHNSON: Do you understand the question. 16 Q Okay. And did that change happen immediately on the 27th? 18 A Frotty much. 19 Q And what was that change? 19 Q And what was that change? 19 Q And what was that change? 20 A From being the vice-president of engineering and operations. 20 Okay. So Patti lost her job in the sale, right? 20 Okay. So Patti lost her job in the sale, right? 20 Okay. So Patti lost her job in the sale, right? 20 Okay. So Patti lost her job in the sale, right? 20 Okay. So Patti lost her job in the sale, right? 20 Okay. So Patti lost her job in the sale, right? 20 Okay. So Patti lost her job in the sale, right? 20 Okay. So Patti lost her job in the sale, right? 20 Okay. So Patti lost her job in the sale. 2	12	Q Okay. Sounds like you got a headache on your	12 A JT Packard.
15 Q Glass half full? 16 A Speaking of glasses, could I have a glass of water? 17 water? 18 Q Of course. 19 A Thank you. 20 Q One quick question about Exhibit No. 3. That's in front of you there? 21 in front of you there? 22 A Yes. 23 Q There is a picture in the bottom left corner. 24 Is that one of the field engineers? 25 A No, it is not. 26 Q It's not? 27 A No. 3 Q Is that somebody that's supposed to look like a field engineer of the lawyers and the accountants and the auditors. 3 Q Is that somebody that's supposed to look like a field engineer of the lawyers and the auditors. 4 Is fly ou say so. This is in black and white, so I can't tell you. 4 A If you say so. This is in black and white, so I can't tell you. 5 Q Is the general field engineer uniform a red polo shirt and jeans? 4 A It is, only not that polo shirt, because the field requirement is a long-sleeve, all cotton shirt. 5 Q Sure. Can't start a fire, right? 6 Q Try not to, right? 7 A No. 8 A Right. 9 The field engineers are wearing the same red shirts as they wore before the sale, is that right? 9 A No. 9 The field engineers are wearing the same red shirts as they wore before the sale, is that right? 10 Q Try not to, right? 11 A It was made the director of field services. 12 Q Okay. 13 A It was made the director of field services. 14 A No. 15 A Right. 16 A No. 17 A It may very well be. 18 Q Okay. Sure. And I'm assuming everybody else does, too: 19 A I just call it JT Packard. 20 Q Except for the lawyers? 21 A Except for the lawyers? 22 A Yes. 23 Q Except for the lawyers and the accountants and the auditors. 24 A Except for the lawyers and the accountants and the auditors. 25 Q So when you went to work on January 27, work was a little bit different after the sale or after the closing, in that a couple positions were gotten rid of, but was your job exception. 15 A IT may very well be. 26 A Suec. 27 A Yes. 28 A Just and I'm assuming everybody else does, too: 29 C Swept for the lawyers and the accountants and the auditors. 3 Q So when you went to work	13	hands.	13 Q Okay. Is it Thomas & Betts Power Solutions
16 A Speaking of glasses, could I have a glass of water? 17	14	A Nothing but opportunities.	14 doing business as JT Packard?
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15 (Pages 54 to 57)

1	A Correct.	1 MR. JOHNSON: Of course.
2	Q And she was the former director of field	2 (Short break was taken.)
3	services?	3 (Discussion was held off the record.)
4	A Yes, she was the former director of field	4 MR. JOHNSON: Are you ready?
5	services.	5 MR. VOSS: Yes.
6	Q Okay. And so you basically assumed her job	6 THE WITNESS: Yes.
7	duties also?	7 BY MR. JOHNSON:
8	A That would be correct.	8 Q All right. After the sale, or after the
9	Q Okay. At some point later you shed some of	9 closing of the sale on January 27th, did your
10	your other duties?	10 compensation change?
11	A Yes. I don't remember exactly how it all	11 A I don't believe so.
12	played out.	12 Q Benefits stayed the same?
13	Q Was that immediate or	13 A I believe so.
14	A I don't recall.	14 MR. JOHNSON: Let's mark this as
15	Q Okay. The day after the sale closed, on the	15 What's the next exhibit?
16	27th, did your e-mail address change?	16 THE REPORTER: Exhibit No. 4.
17	A No.	17 MR. JOHNSON: Okay. Thanks. Let's
18		18 mark this as Exhibit 4.
19	Q Your cell phone change? A No.	19 (Exhibit No. 4 marked for identification.)
20		20 BY MR. JOHNSON:
	-	
21 22		,,
	Q Has your office changed?	
23	A No, my office has not changed.	
24	Q Same computer?	24 3:10-CV-00213, in the Western District of
25	A Yes.	25 Wisconsin. Do you see that?
	54	56
1	O Okay Whan you took a look at a Strike	1 A Vec
1	Q Okay. When you took a look at a Strike	1 A Yes.
2	that. When the sale occurred in the middle of	2 Q Okay. Mr. Sears, do you know what this
2	that. When the sale occurred in the middle of a Strike that.	2 Q Okay. Mr. Sears, do you know what this document is?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that. When the sale occurred in the middle of a Strike that. The sale occurred in the middle of a pay period, is that right? A Could be. I don't know. Q Do you know what your pay periods are? A Frankly, no. Q You don't look at the paycheck very often, do you? A My wife handles that. Q Do you know if you received two paychecks for that pay period where the sale took place? A I don't recall. Seems like I've heard that. Something like that may have happened. Q But you don't know? A I couldn't tell you for sure. Q Do you have direct deposit? A Yes.	Q Okay. Mr. Sears, do you know what this document is? A This looks like a court filing. Q It sure is. Do you know anything about this court filing or why this was filed? A The employees that are named in this left our organization, and it's believed that they had taken company proprietary information, trade secrets, and they are using it to harm our business. Q Okay. And what do you mean by harm your business? A Solicit our employees, our customer base, compete with us in a manner that gives them an unfair advantage. Q Does JT Packard have a are the customers one time customers, or are they recurring customers?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	that. When the sale occurred in the middle of a Strike that. The sale occurred in the middle of a pay period, is that right? A Could be. I don't know. Q Do you know what your pay periods are? A Frankly, no. Q You don't look at the paycheck very often, do you? A My wife handles that. Q Do you know if you received two paychecks for that pay period where the sale took place? A I don't recall. Seems like I've heard that. Something like that may have happened. Q But you don't know? A I couldn't tell you for sure. Q Do you have direct deposit? A Yes. Q All right. A Could I have some more water? Q Sure. A Thank you. MR. VOSS: Can we take a break,	Q Okay. Mr. Sears, do you know what this document is? A This looks like a court filing. Q It sure is. Do you know anything about this court filing or why this was filed? A The employees that are named in this left our organization, and it's believed that they had taken company proprietary information, trade secrets, and they are using it to harm our business. Q Okay. And what do you mean by harm your business? A Solicit our employees, our customer base, compete with us in a manner that gives them an unfair advantage. Q Does JT Packard have a are the customers one time customers, or are they recurring customers? A Both. Q Okay. What percentage are one time and what percentage are recurring? A I couldn't put a percentage on it. A majority of our customers are contracted customers, they
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that. When the sale occurred in the middle of a Strike that. The sale occurred in the middle of a pay period, is that right? A Could be. I don't know. Q Do you know what your pay periods are? A Frankly, no. Q You don't look at the paycheck very often, do you? A My wife handles that. Q Do you know if you received two paychecks for that pay period where the sale took place? A I don't recall. Seems like I've heard that. Something like that may have happened. Q But you don't know? A I couldn't tell you for sure. Q Do you have direct deposit? A Yes. Q All right. A Could I have some more water? Q Sure. A Thank you.	Q Okay. Mr. Sears, do you know what this document is? A This looks like a court filing. Q It sure is. Do you know anything about this court filing or why this was filed? A The employees that are named in this left our organization, and it's believed that they had taken company proprietary information, trade secrets, and they are using it to harm our business. Q Okay. And what do you mean by harm your business? A Solicit our employees, our customer base, compete with us in a manner that gives them an unfair advantage. Q Does JT Packard have a are the customers one time customers, or are they recurring customers? A Both. Q Okay. What percentage are one time and what percentage are recurring? A I couldn't put a percentage on it. A majority

16 (Pages 58 to 61)

1	0	And those if it's an annual agreement,	1		this?
2	·	allegedly these former employees are going	2	Δ	Yes.
3		after those customers when their contracts are	3	0	
4		up, is that right?	4	A	
5	Α	The customer These folks are going after	5		we actually have field engineers in all 50
6	••	them regardless of their contracts. Most all	6		states, but the way I believe that's worded,
7		contracts are cancelable.	7		it's close enough.
8	0	Okay. They are. All right. These customer	8	Q	
9	·	contracts, did they continue in force after the	9	A	_ · · _
10		sale or was there a new contract signed for	10	0	
11		every customer on January 27th?	11	V	wearing today, right?
12	Α	I believe there was effort to reassign all	12	Α	
13		contracts.	13		Okay. Is this the first announcement that went
14	0	Okay. Has JT Packard, the new JT Packard lost	14	v	out to the customers about the sale?
15	·	any customers because of these former	15	Α	I'm not sure about that.
16		employees' actions?	16		Did new JT Packard try to re-sign customers
17	Α	JT Packard has lost customers. I don't know if	17	V	before or after this letter?
18		it's a direct result of the two employees named	18	А	From what I recall, that was something that
19		on this document or the other employees that	19		happened closer to closing, and the CRO was
20		are currently employed by Power Plus, the other	20		engaged with helping with some of that as well.
21		former, ex-JT Packard employees.	21		I don't remember exactly when all that
22	o	How many customers has new JT Packard lost that	22		happened.
23	•	were former customers of old JT Packard?	23	O	From the customer point of view though,
24	Α	There is one customer that I know of for sure.	24	•	essentially there was no change other than a
25		Their may be others. There's also a few sales	25		different name, is that right?
		58			60
1		that we had lost in the open market to them as	1	A	I believe the customers would have received
2		well.	2		assignment letters for contracts, reassigned
3	Q	Has the new JT Packard retained most of its	3		the contracts to the new business.
4		customer base from the old JT Packard?	4	Q	As far as the services they were receiving,
5	A	I would say that we have retained a majority of	5		there was essentially no change, is that right?
6		our customers, yes, since the acquisition.	6	A	Sounds reasonable.
7		(Exhibit No. 5 marked for identification.)	7	Q	JT Packard values their customer relationships,
8		BY MR. JOHNSON:	8		is that right?
9	Q	Mr. Sears, have you had a chance to take a look	9	A	We sure do.
10		at Exhibit No. 5, Bates stamped TEED000307?	10	Q	That's why you have all your employees sign
11	A	Yes.	11		non-compete agreements?
12	Q	Is that your signature on the bottom of that	12		MR. VOSS: Object to the form.
13		document?	13		MR. JOHNSON: Do all your employees
14	A	*	14		sign non-compete or confidentiality agreements?
15	Q	All right. Have you seen this before?	15		THE WITNESS: I believe that's
16	A	Yes, I have.	16		standard practice in our HR department, yes.
17	Q	Okay. Is this the effort that you were talking	17		BY MR. JOHNSON:
18		about a few minutes ago, to try to sign a new	18	Q	And part of the reason for that is because JT
19		contract, or what is this?	19		Packard values its customer base, is that
20	A	No, this had nothing to do with the	20		right?
21		reassignment of contracts. This is an	21	A	It's an HR policy. I am not sure if they
22		announcement letter that was crafted, I	22		decided on that because of that reason or not.
23		believe, by the Thomas & Betts marketing	23	Q	9 1 1 1
24		department.	24		Packard and that new JT Packard is currently
25	Q		25		engaged in litigation with, they are going
<u></u>		59			61

17 (Pages 62 to 65)

-		
1	after the customer relationship that they have	1 A I can't be sure if it was a service contract
2	built with JT Packard, is that right, with old	2 that was canceled prior to or post acquisition,
3	JT Packard?	3 I couldn't tell you, if it had something to do
4	MR. VOSS: Object to the form.	4 with the equipment sale that we lost with that
5	THE WITNESS: I don't understand who	5 customer, if they didn't buy the equipment from
6	"they" is.	6 us post acquisition, and that part of the
7	BY MR. JOHNSON:	7 business obviously didn't happen.
8	Q "They" would be the Strike that. The	8 Q Does new JT Packard's current customer list
9	former employees that left JT Packard, old JT	9 look any different than old JT Packard?
10	Packard are now competing with new JT Packard,	10 A I'm sure our customer list changes on almost a
11	correct?	11 daily basis.
12	A Some of them, yes.	12 Q In between January 26 and January 27, was there
13	Q Okay. And the "some" that JT Packard new JT	13 any major change?
14	Packard is currently involved in litigation	14 A Not that I recall.
15	with, they are going after JT Packard old JT	15 Q So the customer base is essentially the same?
16	Packard's customers, correct?	16 MR. VOSS: Object to the form.
17	MR. VOSS: Object to the form.	17 Misstates the testimony.
18	THE WITNESS: You confused me.	18 MR. JOHNSON: Is the customer list
19	MR. JOHNSON: Sure. I confuse	19 essentially the same in between old JT Packard
20	myself. The former JT Packard employees, which	20 and new JT Packard?
21	new JT Packard is now suing, are being sued	21 MR. VOSS: Object to the question,
22	because they are soliciting current and former	22 object to the form, misstates the testimony.
23	JT Packard customers?	23 THE WITNESS: I guess I don't know
24	MR. VOSS: Is that a question?	24 that there is any significant change, or I
25	MR. JOHNSON: Correct.	25 should say is or isn't any significant change.
	62	64
1	MR. VOSS: Object to the form.	1 BY MR. JOHNSON:
2	THE WITNESS: Thomas & Betts JT	2 Q JT Packard is currently doing business out of
3	Packard is taking action against former	3 275 Investment Court, Verona, Wisconsin, 53593;
4	employees who stole company data. There are	4 is that right?
5	employees who did not get rehired with the new	5 A That's correct.
6	organization that work for Power Plus. There	6 Q And that's the same address that JT Packard did
7	are also employees who left the organization of	7 business out of, that old JT Packard did
8	their own accord, post acquisition, and now	8 business out of?
9	work for Power Plus. This group of employees	9 A That's correct.
10	are actively soliciting JT Packard business,	10 Q Okay. JT Packard's website is still
11	yes.	11 www.jtpackard.com?
12	BY MR. JOHNSON:	12 A To the best of my knowledge.
13	Q And that business that they are soliciting is	13 Q That hasn't changed?
14	business that old JT Packard did, is that	14 A I don't think so.
15	right?	15 Q Okay. Let's see if we can clear that up for
16	A They may very well have been customers of old	16 you.
17	JT Packard, yes.	17 (Exhibit No. 6 marked for identification.)
18	Q And that is business that new JT Packard was	18 BY MR. JOHNSON:
19	doing business with, is that right?	19 Q Dan, you've been handed what's been marked as
20	A That may very well be correct, yes.	Exhibit No. 6, Bates stamped TEED000275. Does
20		21 it look familiar to you?
21	Q You mentioned that there was one customer that	
		22 A Yes.
21	you were aware of? A Yes.	
21 22	you were aware of? A Yes.	23 Q Do you know what this is?
21 22 23 24	you were aware of? A Yes. Q Okay. And did new JT Packard do any business	23 Q Do you know what this is?
21 22 23	you were aware of? A Yes.	23 Q Do you know what this is? 24 A It looks exactly like the JT Packard website.

18 (Pages 66 to 69)

1		
1	website. Change the words, and it's the same	1 same phone number?
2	site.	2 A Yes.
3	Q Okay. There is a date on the bottom right	3 Q Prior to the sale, did most field engineers
4 5	corner, April 19, 2010. Do you know if this is	4 work out of their home office? 5 A Yes.
	what JT Packard's website looked like on	
6 7	April 19, 2010?	6 Q And the regional manager, do they also work out 7 of home offices?
8	A I do not.	8 A Yes.
9	Q Do you have any reason to think it looked any different?	
10	A No.	9 Q And the area directors? 10 A The area service directors also work out of
11	Q And April 19th was after the sale to Thomas &	11 home offices.
12	Betts?	12 Q Okay. And they all continued to work out of
13	A 2010, yes.	their home offices after the sale; is that
14	Q If you look towards the bottom of this website,	14 right?
15	it says, "Copyright Policy, Terms & Conditions,	15 A Yes, they do continue to work out of home
16	Privacy Policy, Site Map, Thomas & Betts Power	16 offices.
17	Solutions is a wholly owned subsidiary of	17 Q All right. Do you know how many field
18	Thomas & Betts Corporation," correct?	18 engineers JT Packard had prior to the sale,
19	A Yes.	19 field engineers JT Packard employed?
20	Q This is after the sale, is that right?	20 A Only approximately. It changes on a daily
21	A According to the date on the page, yes.	basis, it seems, weekly basis.
22	Q Do you see where it says Thomas & Betts Power	22 Q Was is 250, 200?
23	Solutions?	23 A It was approximately 140, 150. I'm sorry, at
24	A Yes.	24 what timeframe did you ask?
25	Q Okay. And Thomas & Betts basically took over	25 Q Just before the sale.
	66	68
1	the website, is that right?	1 A Oh, it would have been less, probably 120, 130,
2	A I don't know that they took it over, but if you	2 somewhere around there.
3	say so.	3 Q Okay. New JT Packard has acquired more field
4	Q Up on the top right-hand corner of this	4 engineers?
5	document it says www.jtpackard.com; is that	5 A Currently, as of yesterday, we were at 115.
6	right?	6 Q Okay. So that number is about the same, plus
7	A "/office_locations.html, yes.	7 or minus five?
8	Q Thomas & Betts uses the same www.jtpackard.com	8 A Well, again, it changes. End of May we were
9	after the sale; is that right?	9 down to 103.
10	A I guess I don't understand the question.	10 Q How many employees Strike that.
11	Q Okay. Did Thomas & Betts use the same JT	11 MR. JOHNSON: Let's mark this the
12	Packard website for new JT Packard after the	12 next exhibit.
13	sale?	13 (Exhibit No. 7 marked for identification.)
14	MR. VOSS: Do you mean the web	14 BY MR. JOHNSON:
15	address?	15 Q Dan, I've handed you what has been marked as
16	MR. JOHNSON: Oh, the web address,	Exhibit No. 7, Bates stamped TEED000274. Have
17	sure.	you seen this before?
18	THE WITNESS: The universal resource	18 A I may have. There were a lot of announcements
19	locator, commonly known as a URL, is	back then.
20	www.jtpackard.com, yes.	20 Q This is a Business Journal article from the
21	BY MR. JOHNSON:	Milwaukee Business Journal, dated February 9,
22	Q Great. That's the same URL before and after the sale?	22 2010. Is the information in this article accurate, to your recollection?
23 24	the sale? A Yes.	23 accurate, to your recollection? 24 A Well, I didn't do the math on 15 percent of
25	Q And the phone number, 1-800-972-9778, is the	25 about 300 employees, but other than that, the
23		about 500 employees, but other than that, the
	67	

19 (Pages 70 to 73)

1		numbers look pretty close.	1	job. How many regional managers were there?
2	Q		2	A Eleven.
3	V	employees?	3	Q So there are 11, and it went down to 10?
4	Δ	I think it was a little less than that, but	4	A There were 11, and with the merger of the two
5	11	somewhere around there.	5	businesses there are still 11.
6	Q		6	Q That's right. His position was filled. Okay.
7	_	Well, if that's what the math works out to be,	7	And the area service directors, the three area
8	11	sure.	8	service directors, do they report to you
9	Λ	Let's see. So it was about	9	directly now?
10		Well, 10 percent of 300 would be 30, so	10	A Yes.
11	11	5 percent of that would be another 15.	11	Q Okay. And they formerly reported to Patti
12	Λ	You said earlier ballpark, you said 42?	12	Epstein?
13	V	MR. VOSS: 15 percent? I'm sorry.	13	A The area service directors under old JT Packard
14		The question you had before was 15 percent of	14	reported to Patti, yes.
15		what?	15	Q And all the field engineers obviously still
16		MR. JOHNSON: Of the work force has	16	report to the regional managers?
17		lost their job.	17	A That's correct.
18		THE WITNESS: Well, as it states	18	Q Of the 11 regional managers, has there been any
19		here, "weren't rehired." Semantics.	19	change in who those regional managers are since
20		BY MR. JOHNSON:	20	the closing of the sale?
21	Ω	The approximately 19 field engineers who lost	21	A Yes, there has.
22	Ų	their job, did that happen immediately after	22	Q Okay. What was that change?
23		closing or was that, you know, at closing and	23	A Ben Wait (phonetic) quit and went to work for
24		in the couple months after that?	24	Power Plus. He was subsequently replaced with
25		I don't recall exactly when it was. I think	25	a field engineer who was promoted.
43	A	70	23	72
		70		
1		this thing said I don't recall exactly when	1	Q Okay.
2		it was that the folks weren't rehired. I would	2	A And Ty Robey came to Verona, Wisconsin to take
3		imagine that it would be at closing time, when	3	over training and safety, and his position was
4		the company assumed or hired the employees.	4	replaced by promoting to field engineer.
5	Q	All right. At closing or just after closing,	5	Q Did Ty Robey's job change immediately?
6		other than the one area service director, let	6	A No.
7		me get my Hold on. Strike that question,	7	Q Okay. Any recollection when that was?
8		please.	8	A June.
9	A	Let me clarify for you, the CRO who's in charge	9	Q How about when did Mr. Wait leave?
10		of old JT Packard notified the employees that	10	A I don't recall exactly. It was March, April,
11		weren't rehired by Thomas & Betts, so that	11	May timeframe.
12		would have happened pretty close.	12	Q Is Glenn Paulson still employed by new JT
13	Q	Did the chief restructuring officer, did he	13	Packard?
14		continue to work after closing?	14	A Yes.
15	A	I don't know.	15	Q Okay. And who are the other area service
16	Q	Did you see him around ever after closing?	16	directors?
17	A	No, he took off pretty much after the business	17	A Glenn Paulson is not an area service director.
18		closed. I would assume that there was some	18	Q Okay.
19		administrative duties he had to execute for the	19	A He is a strategic account manager. Now the
20		old business.	20	three area service directors would be Lance
21	Q	After the closing, JT Packard went from four	21	Sabo, Jessie Martinez and Jean-Michele
22		area service directors to three area service	22	Christopher.
23		directors, right?	23	Q And those three were area service directors for
24	A		24	old JT Packard?
25	Q	•	25	A No.
		71		73

20 (Pages 74 to 77)

1	Q Okay. So there was some change in who was	1 MR. JOHNSON: This might be an easier
2	filling those positions in between the old and	2 way of doing this.
3	new JT Packard?	3 (Exhibit No. 8 marked for identification.)
4	A Uh-huh.	4 BY MR. JOHNSON:
5	Q Is that right?	5 Q You've been handed a document that's been
6	A Yes.	6 marked as Exhibit No. 8. It is Bates stamped
7	Q Okay. What were those changes?	7 JTP00000439 through 452.
8	A Lance Sabo was the national service operations	8 Mr. Sears, this is essentially the
9	manager for Thomas & Betts Power Solutions, and	9 reporting structure of old JTP at one point; is
10	he was made the eastern area service director.	10 that right?
11	Q Okay. Who was the other area service director?	11 A That's correct.
12	A Glenn Paulson.	12 Q Do you have any idea when this was?
13	Q Okay. When did Glenn's position change?	13 A Couldn't tell you. Obviously, we were under
14	A Probably within a month of the closing of the	14 S.R. Bray at that point in time.
15	business, maybe two.	15 Q This is prior to when the bank came in and took
16	Q So there was a month or two that Glenn was	16 over, is that right?
17	still working as the area service director?	17 A Correct.
18	A Yes.	18 Q So when the bank came in and took over,
19	Q All right. Were there any other major changes	essentially on this first page here of Exhibit
20	to the supervisory structure at JT Packard	No. 8, Page 439, rather than CEO S.R. Bray, it
21	before and after the sale?	21 would be bank or Greg Charleston?
22	MR. VOSS: Object to the form.	22 A Correct.
23	THE WITNESS: In the field? At	23 Q Is the remainder of this an accurate
24	corporate? I mean there were changes.	description, the first page, Page 439, an
25		25 accurate picture of the reporting structure
	74	76
	DV VID TOTINGON	
1	BY MR. JOHNSON:	just before the sale?
2	Q We went over the field changes, is that right?	2 A No.
3	A We discussed some of the field changes, yes.	3 Q What's different?
4	Q What other changes were there in the field?	4 A Obviously, the CFO is not there anymore; he's
5	A From the supervisory standpoint, I don't	5 on the board of directors. The controller is
6	believe there were any.	6 the Power Plus controller, not in our
7	Q Okay.	7 organization. Contract admin manager, Sam
8	A We talked about regional managers and area	8 Cemy, is a Power Plus employee, not in our
9	service directors, right?	9 organization. Director of HR, Carrie Penner,
10	Q Right. I'm talking about reporting structure.	10 is a Power Plus employee, not in our
11	A Okay.	11 organization.
12	Q At corporate there were some changes, is that	12 Q Tom Ward is a JT Packard employee, right?
13	right?	13 A Correct.
14	A Yes.	14 Q Okay.
15	Q Okay. And what were those changes?	15 A Essentially, if you take out the Power Plus
16	A Since the purchase?	folks and move the folks underneath them up,
17	Q Yes.	everyone would have rolled to the CRO at that
18	A Since the purchase, really just who we reported	point, with the exception of the equipment
19	to. So instead of reporting to Keith Bjelejac	19 sales manager, Jay Roidt, and sales application
20	or Steve Bray, we now report to Mike Lamothe.	20 engineer, R. Walker. They would continue to
21	Most of our organization reports to Mike. The	21 roll up through Jim Nolden.
22	contracts admin person now reports to Hal, and	MR. VOSS: Through?
23	HR reports to Jolene, director of operations	23 THE WITNESS: Jim Nolden.
24	reports to Don Peterson, IT reports to James	24 BY MR. JOHNSON:
25	Holcum.	25 Q And that's what it looked like just before the
	75	77

21 (Pages 78 to 81)

1	sale, is that right?	1 A No.
2	A That's what it would have looked like for most	2 Q Patti Epstein is no longer employed?
3	of the duration of the CRO running the company.	3 A No.
4	Q Were there other changes that happened while	4 Q What about S. O'Connor?
5	the CRO ran the company?	5 A Yes.
6	A You know, at the management level, I don't	6 Q Is he/she still employed?
7	believe so. I'm not entirely sure about the	7 A She is still employed.
8	equipment sales and sales application	8 Q What's "S"?
9	positions, but the rest of it would have been	9 A Sandy.
10	that way.	10 Q Sandy?
11	Q All right. Currently, at new JT Packard, is	11 A Yes.
12	the structure similar to this, or is it	12 Q All right. Who does Sandy report to?
13	completely different?	13 A Mike, but she has a dotted line relationship
14	A It's similar, but different.	14 with I forget his name Jason Madison, in
15	Q Where are you?	15 Richmond.
16	A Essentially, we all roll to Mike Lamothe, and	16 Q All right. And who else is What about
17	as I mentioned earlier, some of these folks	17 D. Kreger?
18	have a dotted line reporting relationship with	18 A Yes, Dave is still employed.
19	folks either at Power Solutions, in Richmond,	19 Q Who does he report to?
20	or at the T & B Memphis headquarters.	20 A Mike, and he has a dotted line relationship to
21	For example, the CIO, while he directly	Hal. Don't ask me what has last name is.
22	reports to Mike Lamothe, he also has a dotted	22 Q Hal, is he in Richmond?
23	line relationship with the director of IT, or I	23 A He's legal, and I think he's general counsel at
24	don't know what James Holcum's title is, but to	Thomas & Betts, Memphis. Oh, Fontaine, that's
25	other people.	25 what it is.
	78	80
1	O C 4 CDO	1 0 7 17 1 1 0
	Q So the CRO essentially handed off the reins to	1 Q Hal Fontaine?
2	Mike Lamothe?	1 Q Hal Fontaine? 2 A Hal Fontaine.
2		
	Mike Lamothe?	2 A Hal Fontaine.
3	Mike Lamothe? A Correct.	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to?
3 4	Mike Lamothe? A Correct. Q And you report to Mike?	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene.
3 4 5	Mike Lamothe? A Correct. Q And you report to Mike? A Correct.	 2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene?
3 4 5 6	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's	 A Hal Fontaine. Q Okay. Who does Tom Ward report to? A Jolene. Q Who is Jolene? A She is the Vice President of Human Resources
3 4 5 6 7	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position?	 A Hal Fontaine. Q Okay. Who does Tom Ward report to? A Jolene. Q Who is Jolene? A She is the Vice President of Human Resources for Power Solutions, in Richmond, and let me
3 4 5 6 7 8	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No.	 A Hal Fontaine. Q Okay. Who does Tom Ward report to? A Jolene. Q Who is Jolene? A She is the Vice President of Human Resources for Power Solutions, in Richmond, and let me make sure I say that correctly. He reports to
3 4 5 6 7 8 9	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO?	 A Hal Fontaine. Q Okay. Who does Tom Ward report to? A Jolene. Q Who is Jolene? A She is the Vice President of Human Resources for Power Solutions, in Richmond, and let me make sure I say that correctly. He reports to Mike Lamothe, but he has a dotted line
3 4 5 6 7 8 9	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON:	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene.
3 4 5 6 7 8 9 10	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently?	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E?
3 4 5 6 7 8 9 10 11	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard.	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes.
3 4 5 6 7 8 9 10 11 12	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes. 13 Q Okay. I think you said J. Roidt left; is that
3 4 5 6 7 8 9 10 11 12 13	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to get a clear picture while looking at this	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes. 13 Q Okay. I think you said J. Roidt left; is that 14 right?
3 4 5 6 7 8 9 10 11 12 13 14 15	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to get a clear picture while looking at this document.	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes. 13 Q Okay. I think you said J. Roidt left; is that 14 right? 15 A He is no longer employed. I don't recall the
3 4 5 6 7 8 9 10 11 12 13 14 15	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to get a clear picture while looking at this document. A Okay.	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes. 13 Q Okay. I think you said J. Roidt left; is that 14 right? 15 A He is no longer employed. I don't recall the exact circumstances of his departure.
3 4 5 6 7 8 9 10 11 12 13 14 15 16	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to get a clear picture while looking at this document. A Okay. Q In your current position, who on this list	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources for Power Solutions, in Richmond, and let me make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes. 13 Q Okay. I think you said J. Roidt left; is that right? 15 A He is no longer employed. I don't recall the exact circumstances of his departure. 17 Q Okay. Was he employed immediately after the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to get a clear picture while looking at this document. A Okay. Q In your current position, who on this list reports to you?	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes. 13 Q Okay. I think you said J. Roidt left; is that 14 right? 15 A He is no longer employed. I don't recall the 16 exact circumstances of his departure. 17 Q Okay. Was he employed immediately after the 18 sale?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No.	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes. 13 Q Okay. I think you said J. Roidt left; is that 14 right? 15 A He is no longer employed. I don't recall the 16 exact circumstances of his departure. 17 Q Okay. Was he employed immediately after the 18 sale? 19 A I don't remember.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to get a clear picture while looking at this document. A Okay. Q In your current position, who on this list reports to you? A Nobody. Q Nobody?	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes. 13 Q Okay. I think you said J. Roidt left; is that 14 right? 15 A He is no longer employed. I don't recall the 16 exact circumstances of his departure. 17 Q Okay. Was he employed immediately after the 18 sale? 19 A I don't remember. 20 Q Okay. Somebody filled that position?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to get a clear picture while looking at this document. A Okay. Q In your current position, who on this list reports to you? A Nobody. Q Nobody? A No.	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes. 13 Q Okay. I think you said J. Roidt left; is that 14 right? 15 A He is no longer employed. I don't recall the 16 exact circumstances of his departure. 17 Q Okay. Was he employed immediately after the 18 sale? 19 A I don't remember. 20 Q Okay. Somebody filled that position? 21 A Not with a manager role. In fact, I don't know
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to get a clear picture while looking at this document. A Okay. Q In your current position, who on this list reports to you? A Nobody. Q Nobody? A No. Q Is the director of customer care Paul Masnica	A Hal Fontaine. Q Okay. Who does Tom Ward report to? A Jolene. Q Who is Jolene? A She is the Vice President of Human Resources for Power Solutions, in Richmond, and let me make sure I say that correctly. He reports to Mike Lamothe, but he has a dotted line relationship to Jolene. Q Okay. J-O-L-E-N-E? A Yes. Q Okay. I think you said J. Roidt left; is that right? A He is no longer employed. I don't recall the exact circumstances of his departure. Q Okay. Was he employed immediately after the sale? A I don't remember. Q Okay. Somebody filled that position? A Not with a manager role. In fact, I don't know for a fact that he's ever had a manager title.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to get a clear picture while looking at this document. A Okay. Q In your current position, who on this list reports to you? A Nobody. Q Nobody? A No. Q Is the director of customer care Paul Masnica M-A-S-N-I-C-A?	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources 7 for Power Solutions, in Richmond, and let me 8 make sure I say that correctly. He reports to 9 Mike Lamothe, but he has a dotted line 10 relationship to Jolene. 11 Q Okay. J-O-L-E-N-E? 12 A Yes. 13 Q Okay. I think you said J. Roidt left; is that 14 right? 15 A He is no longer employed. I don't recall the 16 exact circumstances of his departure. 17 Q Okay. Was he employed immediately after the 18 sale? 19 A I don't remember. 20 Q Okay. Somebody filled that position? 21 A Not with a manager role. In fact, I don't know 22 for a fact that he's ever had a manager title. 23 He was an equipment sales guy.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Mike Lamothe? A Correct. Q And you report to Mike? A Correct. Q Are you essentially in Keith Bjelejac's position? A No. MR. VOSS: CFO? BY MR. JOHNSON: Q Is there a CFO currently? A No, not in JT Packard. Q I know you answered this earlier. I want to get a clear picture while looking at this document. A Okay. Q In your current position, who on this list reports to you? A Nobody. Q Nobody? A No. Q Is the director of customer care Paul Masnica M-A-S-N-I-C-A? A No.	2 A Hal Fontaine. 3 Q Okay. Who does Tom Ward report to? 4 A Jolene. 5 Q Who is Jolene? 6 A She is the Vice President of Human Resources for Power Solutions, in Richmond, and let me make sure I say that correctly. He reports to Mike Lamothe, but he has a dotted line relationship to Jolene. 1 Q Okay. J-O-L-E-N-E? 1 A Yes. 1 Q Okay. I think you said J. Roidt left; is that right? 1 A He is no longer employed. I don't recall the exact circumstances of his departure. 1 Q Okay. Was he employed immediately after the sale? 1 A I don't remember. 2 Q Okay. Somebody filled that position? 2 A Not with a manager role. In fact, I don't know for a fact that he's ever had a manager title. 2 He was an equipment sales guy. 2 Q How about R. Walker?

22 (Pages 82 to 85)

1	Q Who does he report to?	1 Q And rounding up the people who report to Mike
2	A He reports to That's a good question. I'm	2 are Sandy O'Connor?
3	guessing one of the sales leads that reports to	3 A Yes.
4	Chris Washburn, but I don't know.	4 Q Dave Kreger?
5	Q Chris Washburn, male or female?	5 A Yes.
6	A Male.	6 Q Tom Ward?
7	Q Chris was the director of sales?	7 A Yes.
8	A Correct, and still is.	8 Q Anybody else?
9	Q Did Walker formerly report to Chris?	9 A I think you've covered them.
10	A No, he rolled up to Jim Nolden.	10 Q Okay. Didn't you say that nobody reports to
11	Q Nolden is no longer there?	11 you?
12	A Correct.	12 A I said that on that first page that nobody
13	Q Nolden, he left at the sale, is that right, or	13 reports to me.
14	did he leave after the sale?	14 Q So if you go to Page 441, just prior to the
15	A The CRO asked him to leave prior to the	sale, who was S. Latterell?
16	closing.	16 A Stephanie Latterell.
17	Q Okay. So the salespeople now report to Chris	17 Q Was she the data service manager just before
18	Washburn?	18 the sale?
19	A Correct.	19 A I believe so.
20	Q All right. How about J. Mobley?	20 Q Is she still?
21	A John Mobley is still employed. He is our	21 A No. She's no longer with the company, and I
22	customer care manager now.	don't remember exactly when she left. It was
23	Q He reports to Mike?	23 post closing.
24	A Yes.	24 Q A month or two after?
25	Q And Chris Washburn reports to Mike?	25 A Yes, something like that.
23	82	, ,
	02	01
1	A Yes.	1 Q Okay. So for a while after the sale, data
2	Q Is there a CIO that reports to Mike?	2 services still reported to you?
3	A I don't know what Kevin's title is anymore, but	3 A For a short period.
4	yes, Kevin is still there.	4 Q For a short period?
5	Q He reports to Mike now though?	5 A Yes.
6	A He reports to Mike. He has a dotted line	6 Q Was that until you got your contract?
7	relationship to James Holcum, in Memphis.	7 A I don't really remember when that changed. I
8	Q All right. Do you guys have a new chart like	8 think Mike came to us with his idea of how
9	this?	9 everything should be laid out, and then we
10		
	A Yes.	10 negotiated with him, so it was probably within
11	A Yes. Q Okay. Because I'm hoping it looks better than	negotiated with him, so it was probably within a few days, a few weeks. I don't remember at
11 12		7 .
	Q Okay. Because I'm hoping it looks better than	a few days, a few weeks. I don't remember at
12	Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still	11 a few days, a few weeks. I don't remember at what point in time that happened with
12 13	Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement.
12 13 14	Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike?	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Q The training manager, is that S. Candy (sic)?
12 13 14 15	Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike? A Correct.	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Q The training manager, is that S. Candy (sic)?
12 13 14 15 16	 Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike? A Correct. Q Chris Washburn still works for JT Packard and 	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Description: The training manager, is that S. Candy (sic)? A It's Steve Cady, C-A-D-Y.
12 13 14 15 16 17	 Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike? A Correct. Q Chris Washburn still works for JT Packard and reports to Mike? 	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Q The training manager, is that S. Candy (sic)? A It's Steve Cady, C-A-D-Y. Q He's still there? A He's now a field engineer in Salt Lake, Utah.
12 13 14 15 16 17 18	 Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike? A Correct. Q Chris Washburn still works for JT Packard and reports to Mike? A Correct. A Correct. 	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Q The training manager, is that S. Candy (sic)? A It's Steve Cady, C-A-D-Y. Q He's still there? He's now a field engineer in Salt Lake, Utah.
12 13 14 15 16 17 18	 Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike? A Correct. Q Chris Washburn still works for JT Packard and reports to Mike? A Correct. Q Okay. You still work for JT Packard, and you 	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Characteristic agreement. The training manager, is that S. Candy (sic)? A It's Steve Cady, C-A-D-Y. He's still there? He's now a field engineer in Salt Lake, Utah. When did that happen?
12 13 14 15 16 17 18 19 20	 Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike? A Correct. Q Chris Washburn still works for JT Packard and reports to Mike? A Correct. Q Okay. You still work for JT Packard, and you report to Mike? 	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Description: It's Steve Cady, C-A-D-Y. He's still there? He's now a field engineer in Salt Lake, Utah. When did that happen? June.
12 13 14 15 16 17 18 19 20 21	 Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike? A Correct. Q Chris Washburn still works for JT Packard and reports to Mike? A Correct. Q Okay. You still work for JT Packard, and you report to Mike? A Correct. 	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Conductoring manager, is that S. Candy (sic)? It's Steve Cady, C-A-D-Y. He's still there? He's now a field engineer in Salt Lake, Utah. When did that happen? Myho's doing training now? Ty Robey.
12 13 14 15 16 17 18 19 20 21	 Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike? A Correct. Q Chris Washburn still works for JT Packard and reports to Mike? A Correct. Q Okay. You still work for JT Packard, and you report to Mike? A Correct. Q And so does Kevin Mengelt, M-E-N-G-E-L-T? 	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Congression of the training manager, is that S. Candy (sic)? Re's Steve Cady, C-A-D-Y. Re's still there? Re's now a field engineer in Salt Lake, Utah. Congression of the training now? Re's doing training now? Re's doing training now? Re's now a field engineer in Salt Lake, Utah. Re's now a field engineer in Salt Lake, Utah. Re's now a field engineer in Salt Lake, Utah. Re's now a field engineer in Salt Lake, Utah. Re's now a field engineer in Salt Lake, Utah. Re's now a field engineer in Salt Lake, Utah. Re's now a field engineer in Salt Lake, Utah. Re's now a field engineer in Salt Lake, Utah.
12 13 14 15 16 17 18 19 20 21 22 23	 Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike? A Correct. Q Chris Washburn still works for JT Packard and reports to Mike? A Correct. Q Okay. You still work for JT Packard, and you report to Mike? A Correct. Q And so does Kevin Mengelt, M-E-N-G-E-L-T? A Yes. 	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Description: It's Steve Cady, C-A-D-Y. He's still there? He's now a field engineer in Salt Lake, Utah. Description: Under When did that happen? More Who's doing training now? A Ty Robey. That's right. Training still reports to you? Through Ty Robey, yes.
12 13 14 15 16 17 18 19 20 21 22 23 24	 Q Okay. Because I'm hoping it looks better than what I have right here. So J. Mobley still reports to works for JT Packard and reports to Mike? A Correct. Q Chris Washburn still works for JT Packard and reports to Mike? A Correct. Q Okay. You still work for JT Packard, and you report to Mike? A Correct. Q And so does Kevin Mengelt, M-E-N-G-E-L-T? A Yes. Q Okay. 	a few days, a few weeks. I don't remember at what point in time that happened with relationship to me signing my employment agreement. Description of the training manager, is that S. Candy (sic)? He's still there? He's now a field engineer in Salt Lake, Utah. When did that happen? When did that happen? Who's doing training now? Ty Robey. Through Ty Robey, yes. Project manager, is that D. Maher?

23 (Pages 86 to 89)

-		
1	A Dannie Maher, she is now an equipment	1 correct.
2	salesperson. Tom Ross and Ruth Roper are no	2 Q And that position was eliminated at the sale?
3	longer with the company. That happened	3 A Yes.
4	sometime before the sale. Mike Rick is an	4 Q So at the former at old JT Packard, Peggy,
5	equipment salesperson as well.	5 the director of operations reported to you, and
6	Q Is there any project manager?	6 now she reports directly to Mike?
7	A Sam Shannon is his name, and is the only	7 A Correct.
8	project manager.	8 Q And technical support still reports to you, is
9	Q Was Sam employed with old JT Packard?	9 that right?
10	A No.	10 A Through Ty Robey, yes.
11	Q He's from Thomas & Betts Power Solutions?	
12	A No.	12 support people now report to Ty Robey?
13	Q New hire?	13 A Correct.
14	A Yes.	14 Q Did the technical support people report to
15	Q All right. Does the project manager still	15 Steve Cady before?
16	report to you?	16 A No.
17	A No.	17 Q They reported to you directly?
18	Q Who does the project manager report to?	18 A Yes.
19	A The director of operations, which is Peggy	19 Q Take a look at 444 for me.
20	Kalscheur.	20 A (Witness complies.)
21	Q Who does Peggy report to?	21 Q Is that Chris Washburn?
22	A Mike. She has a dotted line relationship to	22 A Yes.
23	Don Peterson, in Richmond, at Power Solutions.	23 Q He is the former director of sales. Is he
24	Q And reporting to Peggy is who else?	24 still in that position?
25	A Service, parts, purchasing, warehouse,	25 A Yes.
	86	88
1	logistics, they are on latter pages, if you've	1 Q Is the reporting structure that we see here the
2	got the whole tree.	2 same as it was previously, or is that
3	Q Let's see here.	3 different?
4	A Right here.	4 A It's actually grown. His three sales leads
5	MR. VOSS: Was the question who	5 there, Andrew Borchart, Scott Heinz and Kurt
6	reports to Peggy now?	6 Christianson have the service sales folks, some
7	MR. JOHNSON: Yes. Is that current,	7 of those players have changed as well as the
8	reporting to Peggy is service, purchasing,	8 T and M sales folks roll up through them as
9	warehouse and logistics?	9 well as the equipment sales folks roll up
10	THE WITNESS: On Page 447, Scott	through them. Chris also has subcontract
11	Porterfield, Larry Hanson are no longer	11 management under him now as well.
12	employees. Benton Cook is no longer an	12 Q How about strategic accounts?
13	employee. She's got some new people back	13 A Yes.
14	there, I'm not sure of their names. Mike and	14 Q Still reports to Chris?
15	Doreen are still there, Sean. Jessie is no	15 A Yes.
16	longer an employee. John McNaughten is gone.	16 Q B. Harper?
17	Scott Burnette is still here. Alicia is still	17 A Yes.
18	here. Kevin is still here. There is one or	18 Q Still reports to Chris?
19	two other folks here now that I don't see their	19 A Yes.
20	names, Charlie, and I think there is somebody	20 Q Who's B?
21	else back there.	21 A Brenda.
22	Q Did the supervisory reporting structure on Page	
23	447 remain the same?	23 A Yes, she does.
24	A John McNaughten is gone, that position was	24 Q How about Crystal?
25	eliminated, but other than that, I believe it's	25 A Crystal is no longer with the company, neither
	87	
		The state of the s

24 (Pages 90 to 93)

1	is Chris Borth. Tanya is still there. I'm not	1 Q Christy who?
2	sure about the last person. There is some	2 A Christy Rue.
3	other players in there now.	3 Q R-U-B-U-S?
4	Q But the sale support position still reports to	4 A R-U-E.
5	Chris?	5 Q Oh, I see. Were they there immediately after
6	A Yes.	6 the sale for a time?
7	Q All right. Paul Masnica, director of customer	7 A Yes.
8	care?	8 Q How about Page 446, does that supervisory
9	A No longer with the company.	9 structure still exist?
10	Q Is there somebody filling that position?	10 A Yes.
11	A John Mobley.	11 Q Is it the same as it is?
12	Q So that position still exists?	12 A Yes, some of those players may have changed,
13	A Yes.	but it's the same.
14	Q All right. How about the supervisor of the	14 Q The structure itself is the same?
15	CSAMs?	15 A Yes.
16	A He's now in service sales. I believe John has	16 Q We talked about 447 for a little bit, but
17	two or three leads over there now. I don't	essentially the structure on 447 is still
18	know exactly who they are.	18 intact?
19	Q So basically, instead of having one supervisor,	19 A Correct.
20	there is two or three leads that report to him?	20 Q Okay. 448, Tom Ward is still HR?
21	A Correct.	21 A Correct.
22	Q What is SAR?	22 Q Does he have anybody working under him?
23	A Strategic Account Representative. Michelle	23 A Yes.
24	reports to Chris.	24 Q Jeremy Nehring?
25	Q Chris?	25 A Yes.
	90	92
1	A Washburn.	1 Q Still there?
2	Q So that's no longer under the director of	2 A Yes. Lisa Howe.
3	customer care?	3 Q Lisa Howe?
4	A That's correct.	4 A Yes.
5	Q Okay. What about the CSA team lead?	5 Q Still there?
6	A Michelle Martin is no longer here. I'm not	6 A Yes.
7	sure if he has a lead there. I would assume he	7 Q That structure is the same as it was before?
8	does. I don't know who it is.	8 A Yes.
9	Q Okay. And subcontractors don't report to John	9 Q How about Page 449, the director of T and M?
10	because they report to	10 A That position was eliminated. That department
11	MR. VOSS: Sub coordinators?	11 rolls up to Chris' leads, as I said before.
12	MR. JOHNSON: Is that coordinators or	12 Q Okay. And Page 450, contract admin manager?
13	subcontractors?	13 A Yes.
14	THE WITNESS: It's subcontractor	14 Q Is that position still there?
15	coordinator, and it's what we call our	15 A The structure is the same, some of the players
16	subcontracting department, they manage our	16 have changed.
17	subcontractors that we use for services, and	17 Q Did those players change because of the sale
18	none of those people are with the organization	18 or
19	anymore, although that department does still	19 A No.
20	exist.	20 Q Okay. I actually want to ask that same
21	BY MR. JOHNSON:	question for this. On 446, you said the
22	Q Those three people exist just before the sale?	22 structure there is the same, but some of the
23	A I'm not 100 percent sure. Christy and Michelle	players have changed. Did those players change
24	were here post sale. They have since gone to	24 because of the sale?
25	Power Plus.	25 A No.
1		1
	91	93

25 (Pages 94 to 97)

1	Q Okay.	Paulson, Mike Laufgren and Pat McIntyre.
2	A I should say not that I'm aware of. I'm not	2 Q So Glenn, Mike and Pat took over the director
3	aware of who all of the employees were that	3 of equipment sales, director of data center?
4	weren't rehired in all of the departments.	4 A No, they are the business development
5	Some I can tell you for sure were changed out	5 executives or strategic account managers who
6	long before the sale process, some of them I'm	6 roll up to Chris Washburn.
7	not so sure.	7 Q Okay.
8	Q Okay. The director on 451, Nolden, left?	8 A One person just doesn't show, Shane Wolfram,
9	A Yes.	9 who's our equipment manager. He left post sale
10	Q Or was asked to leave. Is there still a	10 as well, and is now at Power Plus.
11	director of business development?	11 Q This department took a hit from Power Plus?
12	A No.	12 A Well, they are in the UPS business, according
13	Q Is this structure completely gone?	13 to them.
14	A No, it is not.	14 Q I don't know how that works. I haven't figured
15	Q Okay.	15 that out yet, but good luck to them.
16	A Jim Nolden, Jennifer Wingert, Samantha Moyes,	16 The structure on 452, the CIO, is that
17	John Roidt, Jim Uhalt, I don't see Chris on	17 structure still intact?
18	there, all left, some pre-sale, some post-sale,	18 A Yes.
19	and are now working at Power Plus.	19 Q Okay.
20	The equipment sales team, Todd Kubley,	20 A Many of those players are gone as well. In
21	Chris Harding, Mark Paws are all gone, and they	fact, the whole left side. The lower right guy
22	have been replaced by others, and they roll up	22 is gone, too.
23	through Chris Washburn's sales leads, and I	23 Q And where or when did they go, was that at sale
24	believe Robert Walker rolls up through those	24 or sometime after?
25	leads as well.	25 A Some of them before, some of them after, none
	94	96
1	The best of the second	1 of them becomes of Well Varies that he de
2	The business development executive	of them because of Well, I take that back. They all saw the big corporate IT department in
	position still exists, and there's three	3
3	players. It's called strategic account	3 Memphis and figured their jobs were not long 4 anyway so
4	management. I think we still call them	
5	business development executives as well. They	
6	manage our strategic accounts, work in the	
7	field, work remotely.	, ,
8 9	Q Who are those three players?	8 MR. JOHNSON: That was exciting. 9 What time do we have here?
	A Today it's Glenn Paulson, Mike Laufgren, and	William time do the mark note.
10	Pat McIntyre.	10 MR. VOSS: 11:35.
11 12	Q Okay. The three equipment sales employees,	BY MR. JOHNSON: 12 O Is it accurate to say that really the field
	Kubley, Harding and Paws, did they leave at the	
13	time of the sale or after the sale?	engineers are kind of the workhorse of JT Packard, they are the ones providing the actual
14 15	A Kubley has been gone for a really long time. I	, ,
	don't recall Clay and Mark. If it was before	
16	or after. I'm thinking it is after. I think	
17	John Roidt, Clay and Mark Paws all left after	
18	the sale	1 2 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3
19	Q Okay. And by after	ask this question. Scott Bowman left at the
20	A along with Jim Uhalt.	20 sale. He had three regional managers that
21	Q About a month or two?	reported to him. Those three regional managers
22	A Or three. I don't recall exactly.	22 report to a different area service director
23	Q Okay. Is there still a business development	23 now?
24	executive?	24 A Yes.
25	A Yes, that's combined with the STRAM role, Glenn	
I	9!	97

26 (Pages 98 to 101)

A with the exception of the regional manager that was also not rebired, yes, the structure is the same, they just swapped out an employee? A Yes. 2 A With the tield Service Engineer Policies, Procedures and Guidelines manual. B Vol. The structure is the same, they just swapped out an employee? A Yes. 2 A With the exception of the regional manager that was also not rebired, yes, the structure is the same, they just swapped out an employee? A Yes. 2 A With the exception of the regional manager that was also not rebired, yes, the structure, did that own early idea of what percentage work in Verona? A Just about half and half. A Just about half and half. A Just about half and half. B A Just about half and half. B A Just about half and half. A Just about half and half. A Just about half and half. B A Just about half and half. A Just about half and half. A Just about half and half. B A Just about half and half. A Just about half and half. B A Just about half and half. A Just about half and half. A Just about half and half. B A Just about half and half. B A Just about half and half. A Just about half and half. B A Just	1	44	1 0 What all a harmond
was also not rehired, yes, the structure is the same. The structure is the same, they just swapped out an employee? A Yes. Q Okay. Do you have any idea of what percentage of employees work remotely and what percentage of employees of the fill addition on the the employee manuals that was put together for them in addition to the HR employee manuals that they also have to adhere to. BY MR. JOHNSON: Well that come about in the assumant manual that was put together for them in addition to the HR employee manuals that they also have to adhere to. BY MR. JOHNSON: Possion of the doss of the service empire one shis or her particular job, is that right? A That's correct. A That's correct. A That's emportant path the been any changes to this policy, procedure and guideline book since the sale of JT. IT eckard? A Not published, no. A Not published, no. A Not	1	structure remain intact, right?	1 Q What is this document?
same. 5 Q The structure is the same, they just swapped out an employee? 7 A Yes. 8 Q Okay. Do you have any idea of what percentage of employees work remotely and what percentage work in Verona? 1 A Just about half and half. 1 Q All right. The changes that we discussed to the actual supervisor structure, did that that happen on like the day after the closing, on January 27th, or did that come about in the weeks to come? 1 MR. VOSS: Object to the form. 2 Q How about the changes on the first page. 2 A That restructuring took place in the days following, like five days? 2 A Something like that. 2 Q The days following, like five days? 3 MR. VOSS: How much more do you have? 4 MR. JOHNSON: You want to take a quick break? 3 MR. VOSS: Let's go off the record. 4 MR. JOHNSON: What time do you need a break? 4 MR. JOHNSON: What time do you need a break? 5 MR. JOHNSON: We'll go off the record. 6 (Discussion off the record.) 7 MR. JOHNSON: We'll go off the record. 9 What changed? 1 A Just about half and half. 1 TILE WITNESS: This is a guideline manual that was put together for them in addition to the HR employee manuals that they about the days following after the closing, on all the take of the come. 1 Q How about the changes on the first page. 2 A That restructuring took place in the days following, like five days? 2 A That restructuring took place in the days following, like five days? 3 MR. JOHNSON: You want to take a quick break? 4 MR. JOHNSON: Pog of quite a bit. 5 MR. VOSS: Let's go off the record. 6 (Discussion off the record.) 7 MR. JOHNSON: What time do you need a break? 1 MR. JOHNSON: Walt lime do you need a break? 1 MR. JOHNSON: Walt lime do you need a break? 2 MR. VOSS: Need to the ferror them in addition to the HR employee manuals that they about a differen			5
5 Q The structure is the same, they just swapped out an employee? A Yes. 8 Q Okay. Do you have any idea of what percentage of employees work remetely and what they addition to the HR employee manuals that they adoin the HR employee manuals that they adoin the HR employee manuals that they adoin the HR employee			
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7 A Yes. 8 Q Okay. Do you have any idea of what percentage of employees work remotely and what percentage work in Verona? 10 A Just about half and half. 11 A Just about half and half. 12 Q All right. The changes that we discussed to the actual supervisor structure, did that happen on like the day after the closing, on Jamuary 27th, ord did that come about in the weeks to come? 18 January 27th, ord did that come about in the weeks to come? 19 BY MR. JOHNSON: 10 BY MR. JOHNSON: 10 BY MR. JOHNSON: 11 A MR. JOHNSON: 11 A MR. JOHNSON: 12 Q How about the changes on the first page. 24 Q How about the changes on the first page. 25 A Something like that. 26 Q How about the changes on the first page. 27 Q The days following, like five days? 28 MR. JOHNSON: You want to take a quick break? 29 Gund that come about in the sale of JT. JT Packard? 20 A That restructuring took place in the days following the closing. 21 Q How about the changes on the first page. 22 Q The days following, like five days? 23 following the closing. 24 Q The days following, like five days? 25 MR. JOHNSON: You want to take a quick break? 26 Q The MR. JOHNSON: You want to take a quick break? 27 MR. JOHNSON: Ive got quite a bit. 28 MR. JOHNSON: Ive got quite a bit. 29 G Discussion off the record. 30 MR. JOHNSON: Walt time do you need a break? 31 MR. JOHNSON: Walt time do you need a break? 32 MR. JOHNSON: Well go off the record. 33 MR. VOSS: Ive got a conference call at 2:00. 34 MR. JOHNSON: Well go off the record. 35 MR. JOHNSON: Well go off the record. 36 (Discussion off the record.) 37 MR. JOHNSON: Well go off the record. 38 MR. JOHNSON: Well go off the record. 39 (Previously, old JT Packard field service engineers did transport batteries; and according to Thomas & Betts, we are not transporting batteries at all anymore. 39 (Previously, old JT Packard field service engineers did transport batteries; and according to Thomas & Betts doesn't like that? 30 (Previously, old JT Packard field service engineers did transport batteries; and according to Thoma			
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of employees work remotely and what percentage work in Verona? 1 A Just about half and half. 1 Q All right. The changes that we discussed to the actual supervisor structure, did that happen on like the day after the closing, on January 27th, or did that come about in the weeks to come? 1 MR. VOSS: Object to the form. 1 THE WITNESS: Which specific change are you referring to? 2 BY MR. JOHNSON: 2 Q How about the changes on the first page. 3 following the closing. 2 Q The days following, like five days? 3 MR. VOSS: How much more do you have? 4 MR. JOHNSON: You want to take a quick break? 3 MR. VOSS: How much more do you have? 4 MR. JOHNSON: Well got a little bit recognized on some things here. 4 MR. JOHNSON: Well got fithe record. 5 MR. JOHNSON: What time do you need a break? 1 MR. JOHNSON: Well go off the record. 6 MR. JOHNSON: Well go off the record. 7 (Discussion off the record.) 8 MR. VOSS: Ive got a conference call at 2:00. MR. JOHNSON: Well go off the record. 9 What changed? Q Wa are back on the record, after a quick break, la front of you, Dan, is Exhibit No. 9, which is Bates stamped JTP00001796 through 1863. 2 A Yes, I do. 9 MR when did that came take place? 4 A Falt restructuring took place in the days policy rocedure and guideline book since the service engineer procedures? 4 MR. JOHNSON: You want to take a quick break? 5 MR. JOHNSON: You want to take a quick break? 6 MR. JOHNSON: Well go off the record. 6 (Discussion off the record.) 7 MR. JOHNSON: Well go off the record. 9 Q Wa chard for identification.) 10 (Discussion off the record.) 11 (Discussion off the record.) 12 (Discussion off the record.) 13 MR. VOSS: Ive got a conference call at 2:00. 14 (Discussion off the record.) 15 (Discussion off the record.) 16 (Discussion off the record.) 17 (Discussion off the record.) 18 (Short break taken.) 19 (Cathibit No. 9 marked for identification.) 19 (Cathibit No. 9 marked for identification.) 19 (Cathibit No. 9 marked for identification.) 20 (A MR. JOHNSON: And the charge and the process			
10 work in Verona? 10 addition to the HR employee manuals that they also have to adhere to. 11 also have to adhere to. 12 BY MR, JOHNSON: 13 14 the the changes that we discussed to the actual supervisor structure, did that happen on like the day after the closing, on happen on like the day after the closing, on happen on like the day after the closing, on the weeks to come? 16 Weeks to come? 17 MR, VOSS: Object to the form. 18 THE WITNESS: Which specific change are you referring to? 18 White Johnson: 19 What somet. 10 What somet.			-
11 A Just about half and half. 12 Q All right. The changes that we discussed to that the actual supervisor structure, did that happen on like the day after the closing, on January 77th, or did that come about in the weeks to come? 17 MR. VOSS: Object to the form. 18 THE WITNESS: Which specific change are your referring to? 19 are your referring to? 20 BY MR. JOHNSON: 21 Q How about the changes on the first page. 22 A That restructuring took place in the days following the closing. 23 following the closing. 24 Q The days following, like five days? 25 A Something like that. 26 MR. JOHNSON: You want to take a quick break? 3 MR. VOSS: How much more do you have? 4 MR. JOHNSON: Well go off the record. 5 MR. JOHNSON: What time do you need a break? 4 MR. JOHNSON: What time do you need a break? 5 MR. JOHNSON: What time do you need a break? 6 MR. JOHNSON: What time do you need a break? 7 MR. JOHNSON: What time do you need a break? 8 MR. VOSS: Pve got a conference call at 2:200. 8 MR. VOSS: Pve got a conference call at 2:200. 9 MR. JOHNSON: Well go off the record. 17 (Discussion off the record. 18 MR. JOHNSON: Well go off the record. 19 (Eshibit No. 9 marked for identification.) 20 BY MR. JOHNSON: Dan, is Exhibit No. 9, which is Bates stamped JTP00001796 through 1863. 21 Dan, do you recognize this document? 22 A That service engineer toes his or her particular jour different policies regarding how a field service engineer toes his or her particular jour different policies regarding how a field service engineer toes his or her particular jour different policies regarding how a field service engineer toes his or her particular jour different policies regarding how a field service engineer toes his or her particular jour different policies regarding how a field service engineer does his or her particular jour different policies regarding how a field service engineer does his or her particu			
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15 January 27th, or did that come about in the weeks to come?		_	, , ,
16 weeks to come?			
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	24	Dan, do you recognize this document?	
99 101	25	A Yes, I do.	25 Q And when did that change take place?
		99	101

27 (Pages 102 to 105)

1	A		1		Was there a new handbook issued after Strike
2	Q	• •	2		that. Was there a new handbook issued since
3		procedures that field engineers follow since	3		the sale?
4		the sale?	4		There have been several documents provided to
5	A	,	5		me at JT Packard by Thomas & Betts, employment
6		Nothing major. Travel, we now use the T & B	6		type documents, yes.
7		authorized travel agency. There might be	7		Okay. Was one of those a handbook?
8		others.	8		I don't know that it necessarily says handbook
9	Q	And that's to set up major travel, is that	9		on it, no.
10		airfare?	10		Okay. Do you know if the policies and
11	A	Airfare, rental car, hotel. Any times they are	11		procedures contained in Exhibit No in
12		going to use any three of those products, they	12		Exhibit No. 10 are still in force?
13		have to use the travel agency.	13		MR. VOSS: Object to the form.
14	Q		14		THE WITNESS: I do not know that they
15	A	<i>E</i> 3, 3	15		are or are not.
16	Q	•	16		BY MR. JOHNSON:
17	A		17		Has a new JT Packard employee handbook been
18	Q	• 9	18		developed?
19	A	Ş	19		I do not know.
20		MR. JOHNSON: Let's mark this as	20	_	Have the We discussed two changes with
21		Exhibit 10.	21		regard to the field engineers' policies and
22		(Exhibit No. 10 marked for identification.)	22		procedures, the battery transportation, and the
23		BY MR. JOHNSON:	23		travel agency change. In between new JT
24	Q	All right. I'm handing you what's been marked	24		Packard and old JT Packard, have there been any
25		as Exhibit Number 10. This exhibit is Bates	25		other changes to the policies and procedures
		102			104
1		stamped JTP00001480 through 1544. Mr. Sears,	1		and how JT Packard does business?
2		does this document look familiar?	2		MR. VOSS: Object to the form.
3	A		3		THE WITNESS: I know that in regards
4	o		4		to field service, the Exhibit 9 manual,
5	•	MR. VOSS: Object to the form.	5		although this isn't the current one, has not
6		THE WITNESS: That's what it says on	6		been updated. Therefore, as far as anything in
7		the front cover.	7		addition to the field service engineer policy
8		BY MR. JOHNSON:	8		and procedure guidelines, short of the battery
9	o	All right. Is this the handbook that was in	9		recycling or transportation policy and travel
10	_	place before the sale?	10		agency, I don't believe there has been anything
11	A	I can't be sure. Before the sale of the	11		else sent to them.
12		company, this would have been used at one point	12		BY MR. JOHNSON:
13		in time. There would have been before this	13	Q	
14		came out there may have been a different one in	14	A	
15		place.	15	Q	Okay. How can you tell?
16	Q	If you look at the second page, 1481,	16	A	
	_	apparently you have a blank page, it says	17		of '08.
17			1	Q	
17 18		bottom right-hand corner, revised	18		
		bottom right-hand corner, revised December 2007?	18	A	_
18	A			•	Oh, I'm sure.
18 19		December 2007?	19	A	Oh, I'm sure.
18 19 20		December 2007? Uh-huh.	19 20	A	Oh, I'm sure. Okay. Outside of field services, have there
18 19 20 21		December 2007? Uh-huh. Do you know if there has been a revision since 2007?	19 20 21	A	Oh, I'm sure. Okay. Outside of field services, have there been any other major policy or procedural
18 19 20 21 22	Q	December 2007? Uh-huh. Do you know if there has been a revision since 2007? In old JT Packard?	19 20 21 22	A	Oh, I'm sure. Okay. Outside of field services, have there been any other major policy or procedural changes since the sale?
18 19 20 21 22 23	Q A	December 2007? Uh-huh. Do you know if there has been a revision since 2007? In old JT Packard? Yes.	19 20 21 22 23	A	Oh, I'm sure. Okay. Outside of field services, have there been any other major policy or procedural changes since the sale? MR. VOSS: Object to the form.
18 19 20 21 22 23 24	Q A Q	December 2007? Uh-huh. Do you know if there has been a revision since 2007? In old JT Packard? Yes.	19 20 21 22 23 24	A	Oh, I'm sure. Okay. Outside of field services, have there been any other major policy or procedural changes since the sale? MR. VOSS: Object to the form. THE WITNESS: Yes, there has, with

28 (Pages 106 to 109)

1		BY MR. JOHNSON:	1	it has a calendaring to it.
2	Q	Structure-wise or	2	Q Are the schedulers still using ClearView?
3	A	Well, yes, the structure changed, as we spoke	3	A In Verona, yes. In Richmond, not until
4		about earlier. We are working through changes	4	Well, we were hoping next week, but it's
5		that Thomas & Betts are bringing to the	5	coming.
6		organization in regards to roles and	6	Q Is Power Solutions going to switch over to
7		responsibilities of places of interest.	7	ClearView?
8	Q	Okay. Anything else?	8	A Yes.
9	A	I'm sure there is other stuff.	9	Q Okay. Other than using the two different
10	Q	That's changed?	10	Strike that. Those are software systems?
11	A	That's changed, yes.	11	A Yes.
12	Q	I'm trying to get a handle on whether from the	12	Q Other than using the two different software
13		point of view of, let's say, a CSAM, the way	13	systems at the same time and having to deal
14		that they do their day to day work, the	14	with that, have the schedulers at CSAM, has
15		schedulers, has that changed?	15	their job changed in any way?
16	A	Not significantly. With regard to scheduling a	16	A I really couldn't speak to that, because I
17		Power Solutions tech, yes, they have to work	17	don't supervise them. I can tell you that
18		with their counterparts in Richmond.	18	strategies have changed in regards to
19		We have two different systems, so I'm sure	19	scheduling guys. The old strategy was to
20		they have procedures they have changed to put	20	schedule them for 70 percent utilization, and
21		in place to be able to schedule guys	21	the new strategy is to schedule them for
22		appropriately and not double work them or not	22	80 percent utilization.
23		schedule somebody because they think somebody	23	Q For the day-to-day work of a scheduler,
24		else is doing it. I'm sure they have got	24	essentially they are doing the same work, you
25		procedures, yes.	25	know, they get to work, they schedule the field
		106		108
1				
_	Q	Okay. But now about the way that they schedule	1	engineers pretty much in the same way, except
2	Q	Okay. But how about the way that they schedule the former JT Packard engineers, you said there	1 2	engineers pretty much in the same way, except for they have to double check the other
	Q	the former JT Packard engineers, you said there		for they have to double check the other
2	Q		2	
2		the former JT Packard engineers, you said there is two systems, has that portion of it switched	2	for they have to double check the other computer system, and they are trying to schedule them a little more as far as their
2 3 4		the former JT Packard engineers, you said there is two systems, has that portion of it switched or changed?	2 3 4	for they have to double check the other computer system, and they are trying to schedule them a little more as far as their utilization goes?
2 3 4 5		the former JT Packard engineers, you said there is two systems, has that portion of it switched or changed? The schedulers in Richmond I think do schedule	2 3 4 5	for they have to double check the other computer system, and they are trying to schedule them a little more as far as their
2 3 4 5 6		the former JT Packard engineers, you said there is two systems, has that portion of it switched or changed? The schedulers in Richmond I think do schedule some of the JT Packard field engineers, so yes, it does.	2 3 4 5 6	for they have to double check the other computer system, and they are trying to schedule them a little more as far as their utilization goes? MR. VOSS: Object to the form.
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2 3 4 5 6 7 8	A	the former JT Packard engineers, you said there is two systems, has that portion of it switched or changed? The schedulers in Richmond I think do schedule some of the JT Packard field engineers, so yes, it does. How about the schedulers in Verona, have the	2 3 4 5 6 7 8	for they have to double check the other computer system, and they are trying to schedule them a little more as far as their utilization goes? MR. VOSS: Object to the form. THE WITNESS: If you're asking if
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29 (Pages 110 to 113)

,		4 1	-	
1		those changes are.	1	start-up commissions would they use it.
2	_	BY MR. JOHNSON:	2	Q Okay. Any other new equipment?
3	Q	Okay. Do the field engineers use the same	3	A Hardware, no. Software, yes. As we are
4		equipment that they did for the old JT Packard?	4	servicing Cyber-X product now, we have software
5		Yes.	5	tools that are now used in the field by all
6	Q	* */	6	field service personnel.
7		screwdrivers?	7	Q Cyber-X, is that a Thomas & Betts product?
8	A		8	A Yes.
9	Q	·	9	Q Okay. What percentage of the field service
10	A		10	engineers do you know that uses the first piece
11	Q		11	of equipment, the specialized test equipment
12		Packard use?	12	you were discussing?
13	A	` '	13	A I couldn't even begin to guess.
14	Q		14	Q Is it a lot?
15		strike that question.	15	A I don't know. I don't manage them on a
16		Since the sale, has JT Packard switched	16	day-to-day scheduling basis.
17		any major software systems?	17	Q What about the Cyber-X software?
18	A	Since the sale, the company has been working	18	A All the field engineers have that on their
19		towards a goal to get the operational and	19	laptops.
20		accounting side of JT Packard on the new	20	Q Okay. Any other equipment that JT Packard
21		release of SyteLine, and has been searching for	21	formerly didn't use, but uses now after the
22		a software solution for field service and plans	22	sale?
23		to completely replace the use of SyteLine in	23	MR. VOSS: Use by the field
24		Power Solutions and the use of ClearView at JT	24	engineers?
25		Packard with whatever this new system turns out	25	MR. JOHNSON: In general.
		110		112
1		to be	1	THE WITNESS. Dr. the field engineers
1	0	to be.	1 2	THE WITNESS: By the field engineers,
2	Q	· ·		there is a couple other pieces that come to mind. There is some communication test
3		Oh, absolutely. Field service will be one.	3 4	
4 5	Ų	Are SyteLine and ClearView the two major	5	equipment, mod bus equipment that is built, I guess, and distributed by Power Solutions, with
6	۸	software systems used at JT Packard? SyteLine is not used at JT Packard at all.	6	- · · · · · · · · · · · · · · · · · · ·
7			7	off-the-shelf parts. I'm not sure about office equipment, computers, servers. All that stuff
8	Q	ClearView is the service piece of the software,	8	
9	А		9	is through the IT department, and I imagine
10	_	one of a dozen or more pieces of software. Is new JT Packard using any new equipment that		it's going through Memphis now, much like our
11	Q		10 11	internet and network access all goes through
12	A	they didn't previously use? Yes.	12	Memphis, so I'm sure there is a lot of that stuff that's new to us.
14			13	Stuff that's new to us. BY MR. JOHNSON:
12	Q		14	Q The field engineers are using the same
13	Λ	and commissioning of equipment, Power Solutions	15	equipment that they used to use, they are just
14	A	and commissioning of Edulotheric Power Soldhons	12	equipment mat mey used to use, mey are just
14 15	А		16	adding more stuff, is that right?
14 15 16	A	Cyber-X equipment, uses some specialized test	16 17	adding more stuff; is that right?
14 15 16 17	A	Cyber-X equipment, uses some specialized test equipment. I couldn't tell you the specific	17	A Yes, up to this point. There is more coming
14 15 16 17 18	A	Cyber-X equipment, uses some specialized test equipment. I couldn't tell you the specific names or models, but they are pieces that JT	17 18	A Yes, up to this point. There is more coming down the pipe. They are all getting a
14 15 16 17 18 19		Cyber-X equipment, uses some specialized test equipment. I couldn't tell you the specific names or models, but they are pieces that JT Packard field service hasn't used before.	17 18 19	A Yes, up to this point. There is more coming down the pipe. They are all getting a Blackberry to replace their current cell
14 15 16 17 18 19 20		Cyber-X equipment, uses some specialized test equipment. I couldn't tell you the specific names or models, but they are pieces that JT Packard field service hasn't used before. Does each field service engineer use that piece	17 18 19 20	A Yes, up to this point. There is more coming down the pipe. They are all getting a Blackberry to replace their current cell phones. We are hoping to get the AFE approved
14 15 16 17 18 19 20 21	Q	Cyber-X equipment, uses some specialized test equipment. I couldn't tell you the specific names or models, but they are pieces that JT Packard field service hasn't used before. Does each field service engineer use that piece of equipment, or is that just in start-ups?	17 18 19 20 21	A Yes, up to this point. There is more coming down the pipe. They are all getting a Blackberry to replace their current cell phones. We are hoping to get the AFE approved that they all get company vehicles, so there is
14 15 16 17 18 19 20 21 22	Q	Cyber-X equipment, uses some specialized test equipment. I couldn't tell you the specific names or models, but they are pieces that JT Packard field service hasn't used before. Does each field service engineer use that piece of equipment, or is that just in start-ups? Those pieces of equipment would be used	17 18 19 20 21 22	A Yes, up to this point. There is more coming down the pipe. They are all getting a Blackberry to replace their current cell phones. We are hoping to get the AFE approved that they all get company vehicles, so there is a lot of stuff coming down the pipe that's
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14 15 16 17 18 19 20 21 22 23	Q	Cyber-X equipment, uses some specialized test equipment. I couldn't tell you the specific names or models, but they are pieces that JT Packard field service hasn't used before. Does each field service engineer use that piece of equipment, or is that just in start-ups? Those pieces of equipment would be used specifically for start-ups that have	17 18 19 20 21 22 23	A Yes, up to this point. There is more coming down the pipe. They are all getting a Blackberry to replace their current cell phones. We are hoping to get the AFE approved that they all get company vehicles, so there is a lot of stuff coming down the pipe that's changing.

30 (Pages 114 to 117)

1 under essential duties and responsibilities, 2 Number 14, it discusses a few different types 3 of paperwork, including a field service report 4 and RMA, time sheet, and expense reports and 5 other reports. Are those all the reports that 6 field engineers use on a daily basis or a 7 regular basis? 8 A I think the "and other job required reports" 9 sums it up nicely, yes, it's everything. 10 Q What other job reports are there? 11 A There's preventive maintenance data sheets, 12 they may have to complete a method of 13 procedure, an MOP, they may have to complete a 14 JHA, a job hazard analysis form. 15 They may have to or they have in the past 16 had to complete a recycling indemnification 1 service report," or something along those 1 lines, in new JT Packard, that is kind of a big 2 change in how JT Packard does its business? 4 MR. VOSS: Object to the form. 5 They may have to a field service report 4 MR. VOSS: Object to the form. 5 THE WITNESS: Yes, there is a lot of 16 little, subtle things, but I can only tell you				
A Unit specific, we service over 400 different products, and it's specific to the product. O Okay, But the way that they actually fix each of those products hasn't changed, has it? A No, it's the same way. Anybody, including the OEM or any other third party company would do the maintenance or repairs. (Exhibit No. 11 marked for identification.) BY MR. JOHNSON: O Wir. Sears, you've been handed Exhibit No. 11, J. J. Protonolo55 through 1056. Have you seen this document before? A Possibly, or something very similar. O Q Have any of the Strike that. Can you tell if if this is a job description for a field engineer us of the same? A No. O Q Okay. Would it be the same? A No. O Q Okay. Would it be the same? A No. Would in be the sales staff? Are they using any new equipment? A I don't know. D Q Okay. If you take a look at Exhibit No. 11, and RMA, time sheet, and expense reports and other reports. Are those all the reports that field engineers use on a daily basis or a regular basis? A I think the "and other job required reports" sums it up nicely, yes, it's everything. D Q What other job reports are there? In they may have to ormplete a method of procedure, an MOP, they may have to complete a recycling indemnification to them. Data sheets rarely change, sometimes they get added to. MOP's at site and unit specific, so there is a number of things that could change. B Wint of those some defiferent depending on what unit at what site they are required for, so there is a number of things that could change. B BY MR. JOHNSON: D But outside of the name on the actual piece paperwork, you know, the data that's filled all that kind of stuff, that remained the same way, so— O Okay. Would it be the same? A I don't know. D O Okay. Would it be the same? O Okay. Would it be the same of the sale? A I think the "and other ports" is a fortification.) D O Okay. If you take a look at Exhibit No. 11, the mey IT Packard does business? A I think the "and other job reports are there? A Thee's preventive maintena	1	filling out the field service report, is that	1 the sale?	
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6	4	products, and it's specific to the product.	4 Plus name from them. S	ome of them would have
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11 BY MR. JOHNSON: 12 Q Mr. Scars, you've been handed Exhibit No. 11, 13 JTP00001055 through 1056. Have you seen this 14 document before? 15 A Possibly, or something very similar. 16 Q Have any of the Strike that. Can you tell 17 if this is a job description for a field 18 engineer before or after the sale? 19 A No. 20 Q Okay. Would it be the same? 21 A I would imagine it would be the same. 22 Q Okay. What about the sales staff? Are they 23 using any new equipment? 24 A I don't know. 25 Q Okay. If you take a look at Exhibit No. 11, 26 Q Okay. If you take a look at Exhibit No. 11, 27 under essential duties and responsibilities, 28 Number 14, it discusses a few different types 39 of paperwork, including a field service report 40 and RMA, time sheet, and expense reports and 51 other reports. Are those all the reports that 52 fled engineers use on a daily basis or a regular basis? 29 A I think the "and other job required reports" 29 sums it up nicely, yes, it's everything. 20 Q What other job reports are there? 21 A There's preventive maintenance data sheets, they may have to complete a method of 21 a procedure, an MOP, they may have to complete a 1 22 I that kind of stuff, that remained the same before the sale and after the sale? 4 A Yes. We always change the oil the same way, so 4 Exactly. If you're working on replacing a starter in a Chevy, you know your mechanic's going to do it the same way my mechanic does it. 22 going to do it the same way my mechanic does lines, in new JT Packard, that is kind of a big change in how JT Packard does its business? 4 MR. VOSS: Object to the form. 5 THE WITNESS: Forn-wise, I don't head to of the same way, acouple new Thomas & Betts produc has the way that JT Packard or the way that JT - the new JT Packard or the way that JT - the new JT Packard or the way that JT - the new JT Packard or the way that JT - the new JT Packard or the way that JT - the new JT Packard or the way that JT - the new JT Packard or the way that JT - the new JT Packard or the way that JT - the new J	9	the maintenance or repairs.	9 depending on what unit	at what site they are
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	17	form and have it signed off from where they	,	not the ones I'm
18 dropped off batteries. Field Plus is our 18 unaware of.				
19 Service software that incorporates the field 19 One of our reports is a load loss report				
20 service report and the time that they report on 20 that now goes to several folks at Power		-	•	
21 the job. EZ Labor is the software for time 21 Solutions, in Richmond, in addition to all the		-		
22 sheets. There is probably more that I'm 22 people it used to go to. There was a section				
23 forgetting. That's usually covered in number 23 of that form that actually did change, at their			•	=
24 19 though. 24 request. We have different levels of		_	1	
25 Q All right. Have those reports changed since 25 accountability. The same person can't approve	25		5 accountability. The same	
115	1	115		117

31 (Pages 118 to 121)

1	something for their department, for example,	changes in the way the sales folks do their job
2	have different levels of sign-off for purchase	since the sale?
3	orders or authorizations to do work or to buy	3 MR. VOSS: Object to the form.
4	something. Not everybody has that ability to	4 THE WITNESS: They now have more
5	go out and sign off to buy something anymore,	5 stringent guidelines on the margins to which
6	so, yes, stuff's changed.	6 they sell at.
7	BY MR. JOHNSON:	7 BY MR. JOHNSON:
8	Q Stuff's changed. Okay. But if you're looking	8 Q Okay.
9	kind of from a higher view, and you're looking	9 A Beyond that, I'm sure there is other changes,
10	at how JT Packard conducts its business, you	but it's not my department, so I'm not sure.
11	know, the salespeople sell their group of	11 Q Are they selling the same products that they
12	products and field engineers go out and they	12 used to?
13	service the products, has those things have	13 A And some new ones.
14	there been major changes in in how JT	14 Q Are the new ones from Thomas & Betts?
15	Packard operates?	15 A (Witness nods.)
16	MR. VOSS: I object to the form.	16 Q Yes?
17	You're asking that question 10 or 15 different	17 A Yes. Sorry.
18	ways, and you just don't like his answer, so	18 Q Thank you. Do the sales staff who sell
19	you keep asking for this summary global change.	services sell the same type of services?
20	MR. JOHNSON: He said there is a lot	20 A Yes, and some new ones.
21	of little things.	Q Okay. And does JT Packard sell anything else,
22	MR. VOSS: He's testified to a wide	other than service and parts?
23	variety of changes in the structure, reporting	23 A Equipment.
24	hierarchy, jobs changed. I mean, ask a	24 Q Equipment. Are they selling the same
25	specific question rather than a summary of what	25 equipment?
	118	120
1	vicivlus turiums to sof	1 A Ves and some new meduate
1	you're trying to get.	1 A Yes, and some new products.
2	MR. JOHNSON: To the customer,	 Q Do they sell anything else? A Not that I will let them. They would try to
3 4	outside of, you know Strike that. I already asked that.	
5	Have there been any changes in the way a	4 sell parking lot striping, if I would let them,5 but no, service, products, equipment.
6	CSAM schedules a field engineer?	
7	MR. VOSS: We have already gone over	2 3
8		 A Oh, sure. They want to make money. Q Is there anything that the sales folks no
9	CSAM and scheduling changes. Asked and	, ,
10	answered.	- longer sen since the sale.
11	THE WITNESS: No, beyond what I referred to earlier, with regard to looking at	10 A Not that I'm aware of. 11 O Is there any services that they don't sell
12	the other computer systems and looking at	11 Q Is there any services that they don't sell 12 since the sale?
13	Richmond and all that.	13 A Not that I'm aware of.
14	BY MR. JOHNSON:	
15		
	Q Have there been any other changes in how field	 longer perform since the sale? A Transportation of batteries.
16 17	engineers Strike that. Have there been any	*
18	changes in how field engineers receive Strike that,	17 Q Okay. Other than the transportation of batteries?
19	Strike that. Do field engineers receive assignments	19 A Not that I'm aware of.
20	from anybody other than a CSAM?	20 Q Who all uses ClearView? Do the field
21		
22	A The JT Packard field engineers, the new JT Packard field engineers now receive assignments	
23		
24	for Power Solutions CSAMs, which is different than old JT Packard.	
25		C ,
23	Q All right. Okay. Do you know if there is any 119	
	119	121

32 (Pages 122 to 125)

2 overtime; is that right? 3 MR. VONSS: Object to form. 4 MR. JOHNSON: Strike that. Did JT 5 Packard, old JT Packard pay overtime to its 6 field engineers? 7 THE WITNESS: Yes. 8 BY MR. JOHNSON: 8 A I was not in field service at the time, so I'm 11 not exactly sure of the dates. It seems to me 12 that it was sonetime around the timeframe of 13 the fall of 2009 that that change was made, but 14 I can't be positive. 15 Q And it's fall of 2009 that they started paying 16 overtime? 17 A That's what I believe. 18 Q And it's fall of 2009, they did not pay 19 overtime? 10 A I believe that may be correct. 21 Q Who would know that? 22 A Our IR department. 23 Q Who would know that? 24 A Tom Ward, yes. 25 Q So previous to the fall of 2009, the field 2 cengineers received basically a salary, correct? 2 A As far as I know. 3 Q Okay. Do you know if there were any bonuses involved? 4 A I do not. 6 Q Okay. Do you know if there were any bonuses involved? 5 A I do not. 6 Q Okay. Do you know if there were any bonuses involved? 5 A I do not. 6 Q Okay. Do you know if there were any bonuses involved? 5 A I do not. 6 Q Okay. Do you know if there were any bonuses involved? 6 A I may have participated in some discussions, but I was not involved at all in the decision root start paying overtime? 10 Q What were those discussions? 11 Q What were those discussions? 12 A Neast I can recall, talk about what level of an an adjustment should be made in order to keep a company neutral, cost neutral. 16 Q Is that a yes? 17 A Plat was the goal? 18 A Yes. In sorry. 19 Q I hat's all right. I keep asking questions while you're drinking your soda. 20 La I believe the goal was to keep the cost neutral. 21 A I believe the goal was to keep the cost neutral. 22 La A Shest I can recall, talk about what level of an adjustment should be made in order to keep a company neutral, cost neutral. 23 Q Mr. JOHNSON: I'm going to hand you one real quick, just so we can talk through this.	1	2000 IT Pashaud did not non its anniance	1 A I may have soon shorts or groups before I've
MR. VOSS: Object to form. MR. VOSS: Object to form. MR. JOHNSON: Strike that. Did JT Packard, old JT Packard pay overtime to its field engineers? THE WITNESS: Yes. By MR. JOHNSON: 9 Q During what time period? 10 A I was not in field service at the time, so I'm 11 not exactly sure of the dates. It seems to me 12 that it was sometime around the timeframe of 13 the fall of 2009 that that change was made, but 14 Lean't be positive. 15 Q And it's fall of 2009 that they started paying 16 overtime? 17 A That's what I believe. 18 Q And previous to fall of 2009, they did not pay 19 overtime? 10 A I believe that may be correct. 21 Q Who would know that? 22 A Our Fix department. 23 Q Mr. Ward? 24 A Tom Ward, yes. 25 Q So previous to the fall of 2009, the field 12 engineers received basically a salary, correct? A As far as I know. 3 Q Okay, Do you know if there were any bonuses 4 involved? 5 A I do not. 6 Q Okay, Were you involved at all in the decision to start paying overtime? 8 A I may have participated in some discussions, but I was not involved in the decision-making process. 10 Q What were those discussions? 11 Q What were those discussions? 12 A See set I can recall, talk about what level of an adjustment should be made in order to keep a company neutral, cost neutral. 10 Q What were those discussions? 11 Q What were those discussions? 12 A See set I can recall, talk about what level of an adjustment should be made in order to keep a company neutral, cost neutral. 14 Q Do you remember how many meetings or beyond the day the decision-making process. 11 Q What were those discussions? 12 Q That was the gala? 13 A CETCRI. 14 Q Do you recall who else was at the meetings that you were at, where you discussed changing the field engineer compensation structure? 15 A I do not. 16 Q Day Do you not worked? 17 A Ton Ward, yes. 28 Q No, I don't kender the were any bonuses in the fall of 2009, the field engineer for particle. 19 Q No just kind of showed up? 20 A I honestly don't reme	1	2009, JT Packard did not pay its employees	1 A I may have seen charts or graphs before. I've
4 MR_JOHNSON: Strike that. Did JT 5 Packard, old JT Packard pay overtime to its 6 field engineers? 7 THE WITNESS: Yes. 8 BY MR_JOHNSON: 8 BY MR_JOHNSON: 8 BY MR_JOHNSON: 9 Q During what time period? 10 A I was not in field service at the time, so I'm 11 not exactly sure of the dates, it seems to me 12 that it was sometime around the timeframe of 13 the fall of 2009 that that change was made, but 14 I can't be positive. 15 Q And it's fall of 2009 that they started paying 16 overtime? 17 A That's what I believe. 18 Q And previous to fall of 2009, they did not pay 19 overtime? 10 A I believe that may be correct. 21 Q Who would know that? 22 A Our HR department. 23 Q Mr_Ward? 24 A Tom Ward, yes. 25 Q So previous to the fall of 2009, the field 122 Q Who would know the fall of 2009, the field 122 Q Who would know the fall of 2009, the field 122 Q Who would would would would would would would wold would wold wold wold wold wold wold wold wo			T and a second s
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17	15 (That was the goal?	
18 A Yes, I'm sorry. 19 Q That's all right. I keep asking questions 20 while you're drinking your soda. 21 A I believe the goal was to keep the cost neutral 18 meter readings, display meter readings. 19 MR. JOHNSON: I'm going to hand you one real quick, just so we can talk through this.	16 A		on the job, portal to portal, and parts used as
19 Q That's all right. I keep asking questions 20 while you're drinking your soda. 21 A I believe the goal was to keep the cost neutral 21 WR. JOHNSON: I'm going to hand you one real quick, just so we can talk through this.	17 (Is that a yes?	17 well as there is a section on there for some
20 while you're drinking your soda. 20 one real quick, just so we can talk through 21 A I believe the goal was to keep the cost neutral 21 this.	18 A	Yes, I'm sorry.	
21 A I believe the goal was to keep the cost neutral 21 this.	19 (
			one real quick, just so we can talk through
22 to the business. 22 (Exhibit No. 12 marked for identification.)	21 A	I believe the goal was to keep the cost neutral	21 this.
	22	to the business.	22 (Exhibit No. 12 marked for identification.)
23 Q Can you take a look at Exhibit No. 2. This is 23 BY MR. JOHNSON:	23 (Can you take a look at Exhibit No. 2. This is	23 BY MR. JOHNSON:
a Power Point presentation. Have you seen this 24 Q You've been handed what has been marked	24	a Power Point presentation. Have you seen this	24 Q You've been handed what has been marked
25 document before? 25 Exhibit No. 12, which is Bates stamped	25	document before?	· · · · · · · · · · · · · · · · · · ·
123		123	125

33 (Pages 126 to 129)

1		JTP00006781 to 6785. This is a field service	1	Q Field engineers talk on the phone with
2		report, correct?	2	Strike that.
3	A	Yes.	3	JT Packard has a policy that field
4	Q	On this field service report there is a space	4	engineers have to return phone calls within 15
5		to record labor details, is that right?	5	minutes, is that right?
6		Are you talking about for the field engineer to	6	A I believe that's correct.
7		fill in the dates and times he worked?	7	Q Is that policy still in place?
8	Q	That's correct.	8	A Yes, but I thought it was 5 minutes,
9	A	Yes.	9	but 5 or 15, whatever.
10	Q	What is JT Packard's old JT Packard's policy	10	Q Okay. Field engineers, you know, talk with
11	_	with regard to recording this time?	11	schedulers on a regular basis, is that right?
12		I believe in the guideline manual that it	12	MR. VOSS: Object to the form.
13		describes to field engineers how to fill this	13	THE WITNESS: They should be, yes.
14		out and describes to them that they need to	14	BY MR. JOHNSON:
15		enter the date of the work performed, their	15	Q Okay. And some of the time that a field
16		start time, when they leave to go to the job,	16	engineer does that is not on the field service
17		their arrival time, their time on site, and	17	report, is that right?
18		then the outline of travel time home as well.	18	MR. VOSS: Object to the form. No
19		There are For awhile I'm going to talk about	19	foundation.
		old JT Packard before they started paying	20	
20				THE WITNESS: Yes.
21		overtime. Just so we are on the same page	21	BY MR. JOHNSON:
22		there.	22	
23		There are a number of tasks that a field	23	T. C.
24		engineer performs that are not recorded on	24	
25		that, on the labor details of a field service	25	Q Does that take place at times that are not
		126		12
1		report, correct?	1	recorded on the field service report?
2		MR. VOSS: Object to the form.	2	MR. VOSS: Object to the form. I
3		THE WITNESS: I'm not sure I	_	ý .
1			3	mean, are you asking him about the specific
4		understand.	3 4	mean, are you asking him about the specific conversation that occurred between two field
		understand. BY MR. JOHNSON:		conversation that occurred between two field
5		BY MR. JOHNSON:	4	conversation that occurred between two field engineers?
5 6	Q	BY MR. JOHNSON: Sure. You said that the labor details on the	4 5	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in
5 6 7	Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the	4 5 6 7	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general.
5 6 7 8	Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially	4 5 6	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether
5 6 7 8 9	Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get	4 5 6 7 8 9	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on
5 6 7 8 9	Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right?	4 5 6 7 8 9	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form?
5 6 7 8 9 10	Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct.	4 5 6 7 8 9 10	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the
5 6 7 8 9 10 11	Q A Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field	4 5 6 7 8 9 10 11	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan?
5 6 7 8 9 10 11 12	Q A Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that	4 5 6 7 8 9 10 11 12	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can
5 6 7 8 9 10 11 12 13 14	Q A Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right?	4 5 6 7 8 9 10 11 12 13	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer
5 6 7 8 9 10 11 12 13 14	Q A Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form.	4 5 6 7 8 9 10 11 12 13 14	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a
5 6 7 8 9 10 11 12 13 14 15	Q A Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form. THE WITNESS: You mean when they are	4 5 6 7 8 9 10 11 12 13 14 15 16	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a specific job, it's up to that field engineer
5 6 7 8 9 10 11 12 13 14 15 16	Q A Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form. THE WITNESS: You mean when they are not working on site for a customer?	4 5 6 7 8 9 10 11 12 13 14 15 16 17	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a specific job, it's up to that field engineer whether or not he creates a report and puts his
5 6 7 8 9 10 11 12 13 14 15 16 17	Q A Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form. THE WITNESS: You mean when they are not working on site for a customer? MR. JOHNSON: Correct.	4 5 6 7 8 9 10 11 12 13 14 15 16 17	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a specific job, it's up to that field engineer whether or not he creates a report and puts his time down to it. He may, or he may not.
5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form. THE WITNESS: You mean when they are not working on site for a customer? MR. JOHNSON: Correct. THE WITNESS: Yes.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a specific job, it's up to that field engineer whether or not he creates a report and puts his time down to it. He may, or he may not. BY MR. JOHNSON:
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form. THE WITNESS: You mean when they are not working on site for a customer? MR. JOHNSON: Correct. THE WITNESS: Yes. BY MR. JOHNSON:	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a specific job, it's up to that field engineer whether or not he creates a report and puts his time down to it. He may, or he may not. BY MR. JOHNSON: Q Did old JT Packard have a policy that requires
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form. THE WITNESS: You mean when they are not working on site for a customer? MR. JOHNSON: Correct. THE WITNESS: Yes. BY MR. JOHNSON: And what are those?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a specific job, it's up to that field engineer whether or not he creates a report and puts his time down to it. He may, or he may not. BY MR. JOHNSON: Q Did old JT Packard have a policy that require the field engineers to record that time?
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q Q A	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form. THE WITNESS: You mean when they are not working on site for a customer? MR. JOHNSON: Correct. THE WITNESS: Yes. BY MR. JOHNSON: And what are those? Putting gas in his car, mailing his field	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a specific job, it's up to that field engineer whether or not he creates a report and puts his time down to it. He may, or he may not. BY MR. JOHNSON: Q Did old JT Packard have a policy that require the field engineers to record that time? A That time where he was giving tech support?
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form. THE WITNESS: You mean when they are not working on site for a customer? MR. JOHNSON: Correct. THE WITNESS: Yes. BY MR. JOHNSON: And what are those? Putting gas in his car, mailing his field service report, checking his e-mail.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a specific job, it's up to that field engineer whether or not he creates a report and puts his time down to it. He may, or he may not. BY MR. JOHNSON: Q Did old JT Packard have a policy that require the field engineers to record that time? A That time where he was giving tech support? Q Uh-huh.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q A Q A Q	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form. THE WITNESS: You mean when they are not working on site for a customer? MR. JOHNSON: Correct. THE WITNESS: Yes. BY MR. JOHNSON: And what are those? Putting gas in his car, mailing his field service report, checking his e-mail. How about talking on the phone?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a specific job, it's up to that field engineer whether or not he creates a report and puts his time down to it. He may, or he may not. BY MR. JOHNSON: Q Did old JT Packard have a policy that require the field engineers to record that time? A That time where he was giving tech support? Q Uh-huh. A No.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A	BY MR. JOHNSON: Sure. You said that the labor details on the field service report record the times when the field engineer starts driving to essentially the time when they stop driving and they get back to their house, is that right? Yes, correct. And there is a number of tasks that a field service a field engineer that performs that are outside of those two times, is that right? MR. VOSS: Object to the form. THE WITNESS: You mean when they are not working on site for a customer? MR. JOHNSON: Correct. THE WITNESS: Yes. BY MR. JOHNSON: And what are those? Putting gas in his car, mailing his field service report, checking his e-mail.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	conversation that occurred between two field engineers? MR. JOHNSON: No, I'm asking in general. MR. VOSS: Just in general whether conversations occur that aren't recorded on this form, any form? MR. JOHNSON: Do you understand the question, Dan? THE WITNESS: I think that I can answer it in this fashion. If a field engineer is talking with another field engineer about a specific job, it's up to that field engineer whether or not he creates a report and puts his time down to it. He may, or he may not. BY MR. JOHNSON: Q Did old JT Packard have a policy that require the field engineers to record that time? A That time where he was giving tech support? Q Uh-huh.

34 (Pages 130 to 133)

1	with their regional managers, correct, on the	1 Q You mentioned earlier that the field engineers
2	phone?	2 strike that JT Packard has a policy that
3	A I would expect so, yes.	3 the field engineers have to check their e-mail
4	Q And there are times that that takes place	4 at least twice a day, is that right?
5	outside of what is on the field service report?	5 A I believe that's correct.
6	MR. VOSS: Object to the form.	6 Q Okay. And that's so that they can get e-mails
7	THE WITNESS: If a field engineer	7 from either the schedulers, or techs,
8	elects not to fill out a service report, then	8 management?
9	yes.	9 A Was that a question?
10	BY MR. JOHNSON:	10 Q Yes.
11	Q Is there a policy that JT Packard has that says	2
12	that every time you speak with a manager on th	in the state of th
13	telephone, you have to fill out an FSR?	13 him.
14	MR. VOSS: Are we still talking about	14 THE WITNESS: There's several reasons
15	old JT Packard?	why we require them or request that they check
16	MR. JOHNSON: Yes.	their e-mail twice a day, and some of those
17	THE WITNESS: No, there is not a	17 include so they can be aware of their job
18	policy.	18 assignments, if they have correspondence from
19	BY MR. JOHNSON:	19 other departments within the organization that
20	Q Does JT Packard have a policy that prior to a	20 have questions regarding field service reports
21	customer visit a field engineer has to contact	21 or their work, so they can get answers.
22	a customer first?	22 BY MR. JOHNSON:
23	A Yes.	23 Q Essentially, that's part of their job, they
24	Q Okay. And what is that policy?	have to do that, right?
25	A I believe it is that they make contact with the	25 A Yes.
	130	
-	401	
1	customer 48 hours in advance to confirm the	1 Q And does JT Packard have a policy that requires
2	job. More common sense than policy, but	the field engineer to fill out an FSR for the
3 4	sometimes you have to spell it out for them.	3 time that it takes to check their e-mail? 4 A No.
5	Q And that could take place Strike that. Does JT Packard have a policy that the	5 Q Do you know if Strike that.
6	field engineer fill out a separate FSR or	6 Field engineers check their e-mail at
7	somehow include that time on the FSR?	7 times that they don't record on their FSR,
8	A For that phone call?	8 correct?
9	O Yes.	9 MR. VOSS: Object to the form.
10	A The 48 hours in advance of going to the job?	10 THE WITNESS: Can you repeat that?
11	Q Yes.	11 MR. JOHNSON: Do you know if field
12	A I do not believe there is a policy that states	12 engineers record the time that they spend
13	they must record that, no.	13 checking their e-mail on their FSR's?
14	Q Do you know of a field engineer that has ever	14 MR. VOSS: Are we still talking about
15	recorded that?	15 FE's employed by old JT Packard?
16	A Not that I specifically recall, no.	16 MR. JOHNSON: Yes.
17	Q How does a field engineer get notified if there	17 THE WITNESS: I don't know.
18	is an emergency service that has to happen?	18 BY MR. JOHNSON:
19	A They'll be called on their cell phone.	19 Q Has a field engineer ever told you that they
20	Q Is that included on the field service reports?	20 check their e-mail outside of the time that
21	A Only if the field engineer elected to record	21 they record on their FSR?
22	it.	22 A I don't recall any specific times that a field
23	Q JT Packard did not have a policy that required	7 1
24	them to record that, did they?	24 Q All right. JT Packard has Strike that.
25	A No.	25 Does JT Packard have a policy that the field
	13:	
Щ	13.	133

35 (Pages 134 to 137)

1	engineers must constantly check the calendar?	1 to do those things on the field service report?
2	MR. VOSS: Object to the form.	2 A I don't believe that's in the manual, no.
3	THE WITNESS: I'm not sure.	3 Q Okay. I might as well show you the manual.
4	BY MR. JOHNSON:	4 A It also doesn't say you can't put it on there
5	Q Where is the calendar located?	5 or do it either.
6	A Well, if you're referring to the field	6 MR. VOSS: We are looking at the
7	engineers' schedule calendar, it is on the JT	7 Field Service Engineer Policies, Procedures and
8	Packard intranet site, on the FE page.	8 Guidelines manual?
9	Q If a field engineer wakes up in the morning,	9 MR. JOHNSON: Exhibit No. 9, page
10	checks his e-mail, checks his calendar, and	10 1823.
11	then leaves to the you know, leaves for the	11 MR. VOSS: Bates 1823?
12	customer site, at the old JT Packard, the time	12 MR. JOHNSON: Yes. Let me ask you
13	it takes for him to check his e-mail, respond	13 more specifically about 1835.
14	to e-mails, and check his calendar would not be	14 THE WITNESS: Paragraph 7, labor
15	recorded on the FSR, correct?	15 details?
16	MR. VOSS: Objection, that's just a	16 BY MR. JOHNSON:
17	pure hypothetical, and this witness has no	17 Q Yes, Paragraph 7 is JT Packard's policy on how
18	basis to answer it.	to fill out time under labor on the field
19	THE WITNESS: I'm sorry. Do I need	19 service report, correct?
20	to answer that? I'm not sure how to answer it.	20 A Correct, for the site visit.
21	MR. JOHNSON: Can you answer it?	21 Q Is there any other place to fill out the time
22	THE WITNESS: I'm not sure how to	that a field engineer works outside of what's
23	answer that. Maybe you can repeat it.	23 indicated in Paragraph 7?
24	BY MR. JOHNSON:	24 A Old JT Packard?
25	Q Let's do this. Earlier, you discussed that the	25 Q Yes.
	134	136
	131	130
1	field service report, the hours that are	1 A For site visits, no.
2	included on the field service report are the	2 Q Prior to the fall of 2009, when JT Packard
3	time from when the field engineer leaves his	old JT Packard started to pay overtime, did JT
4	house to when he gets to the customer site,	4 Packard keep any records of the amount of time
5	from when he gets to the customer site and	5 the field engineers worked outside of what is
6	performs work at the customer site, and it also	6 included in Paragraph 7?
7	includes the time when he's driving from the	7 A I don't believe so.
8	customer site back to his house; is that right?	8 Q Okay. And Paragraph 7 includes what you
9	A Correct.	9 discussed earlier, being the record of the time
10	Q Okay. And that's what JT Packard's policy is,	10 from when the field engineer leaves his house
11	correct?	11 to when the field engineer arrives at the
12	A I believe that's how it's described to fill out	customer site, from when the field engineer
13	the field service report in the guideline	starts working at the customer site to when the
14	manual, yes.	14 field engineer finishes working at the customer
15	Q And that does not include the time that a field	site, and also from when the field engineer
16	engineer spends talking on the phone, checking	leaves the customer site to when the field
17	his schedule, checking his e-mail before he	engineer gets home; is that correct?
18	leaves his house, correct?	18 A Yes, and my only hesitation here is the fact
19	A When you say that, you're talking about this	that it says in the start field the time that
20	time on the field service report?	20 you began your travel to the job, so the
21	Q Correct.	21 definition of "begin travel" could be if you
22	A If he elected not to put it on there, it	22 get in your car or leave your house and put on
23	wouldn't be on there.	23 your coat, so yes, the time recorded associated
24	Q Is it JT former JT Packard's policy that the	24 with that site visit.
25	field engineer is to include the time it takes	25 Q Does JT Packard have a policy with regard to
2,5	135	137
		1.3/

36 (Pages 138 to 141)

1		what stants the travel?	1	moded to get down so that he could leave the
2	A	what starts the travel? No.	1 2	needed to get down so that he could leave the
				customer and not have the customer just stand
3	Ų	Is there a general understanding that it is	3 4	around while he fills out paperwork, and he
4	٨	when you actually leave your house?		would go do it at home. Is that what other
5	A		5	field engineers do?
6 7	Ų	There is no place in Paragraph 7 that provides	6	MR. VOSS: Objection, no foundation.
		for the recording of time that it takes for a	7	THE WITNESS: I have no way of
8		field engineer to maintain their tools, is	8	knowing what field engineers do, but I have a
9		there? No.	9	very good understanding of what a good field
10			10	engineer does, and it's not that.
11 12	Q	-	11	BY MR. JOHNSON:
13		takes for a field engineer to go to the	13	Q Okay. But there's some field engineers that
		hardware store to pick up batteries, is there? No.	l .	don't fill out that paperwork on site, correct?
14			14	A There is a great possibility that there are
15	Q		15	some field engineers that don't fill it out on
16		where to record time for picking up fuses, is	16	site.
17		there?	17	Q Did we talk about air filters yet?
18		No.	18	A I mentioned them earlier; I don't know if you
19	Q	And those last three things I mentioned are	19	did.
20		things that field engineers are required to do,	20	Q Field engineers have to keep basically a
21		is that right?	21	stockpile of different air filters, is that
22		Yes.	22	right?
23	Q	Okay. What about shipping parts back to JT	23	A Not to my knowledge.
24		Packard, is there somewhere in Paragraph 7 that	24	Q They have to They have to change air filters
25		indicates how you would record time it takes to	25	every visit, right?
		138		140
1		go to the UPS store to ship a part back to	1	A They need to change air filters at least
2		Madison?	2	annually or as needed in the customers'
3	Α	It's not spelled out in there. The expectation	3	equipment.
4		is that that is part of the job or that site	4	Q And they have to have whatever air filters they
5		visit, yes.	5	need with them, is that right?
6	0	Okay.	6	A Or shipped to the site.
7	A		7	Q Are these huge air filters, what are they?
8		ship their parts back, mail their paperwork,	8	A Most resemble your furnace filter at home. In
9		much like picking supplies up for their job	9	some cases, you might need boxes of them though
10		would be included in the travel to the site.	10	because they have a lot of equipment or large
11	Q		11	equipment.
12	•	Madison the same day as they perform the	12	Q So you were saying earlier that a good field
13		service for the customer?	13	engineer would fill out the FSR and e-mail it
14	A	Did they? No. Should they? Yes, that would	14	out from the customer location, is that right?
15		be a wonderful thing, but no. Some do, some	15	A That sounds correct.
16		don't. Some procrastinate.	16	Q Okay. How could he fill out the time that he
17	Q	What about filling out the FSR and other	17	gets home before he gets home?
18	-	paperwork, do they do that at the site, do they	18	A He doesn't necessarily have to fill out that
19		do that at home?	19	time, although he could put in a reasonable
20	A		20	estimate of what that arrival time home is.
21		here states that they need to do it on site.	21	One of the requirements in the document
22		That probably doesn't always happen.	22	here is that he reviews his field service
23	Q	I was told by one field engineer that, you	23	report and his PM data sheet with the customer,
24	`	know, it would take awhile to fill out some of	24	so he needs to complete as much as he can to do
25		that information, so he would get what he	25	that. He should never take down data on a
		139		141
		137		

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1 piece of scrap paper and do it later at home,	
2 because then he didn't review anything with	
3 customer.	my report before I leave the customer site,
4 Q Okay. So the time that's recorded on the	
5 service report is just an estimate?	5 home in my three hours, that night I get a tech
6 MR. VOSS: Object to the form.	6 call from another field engineer, he can't
7 THE WITNESS: I don't know it just	
8 be an estimate. I can tell you of my own	8 through it for about an hour, and that's that.
9 practices. For example, I know that it took	me 9 What do I do with that hour of time? What was
just a little bit over two hours to get here	10 JT Packard's written policy?
this morning, and I know when I finish here	
12 it's going to take me about two hours to get	12 I can recall. Oftentimes, we have had those
13 home. So if I were filling out a field service	e 13 field engineers who provided that support, have
14 report for this site visit, I might populate my	
15 arrival time home for two hours after I depa	rt. 15 them submit a field service report. That
16 Should I get home later because the	16 usually occurs with engineers who have a
17 construction between Johnson Creek and M	Iadison 17 tendency to get more of those support calls and
18 was all backed up, I will correct it when I g	et 18 that spend a majority of their time doing that.
19 home.	19 In the old JT Packard, for the last three
20 BY MR. JOHNSON:	20 years, two-and-a-half years, whatever it was
21 Q The regional managers have to contact	field 21 under Patti, I don't know what she's told them
engineers to ask them where their FSR's	are, 22 to do. I don't believe that there is anything
23 right, that's a problem at JT Packard, is	that 23 to that effect documented in this guideline
24 not?	24 manual.
25 A I wouldn't describe it as a problem. I wou	ld 25 Q Field engineers have to order parts?
	142
describe that some field engineers have	1 A Yes.
2 difficulties meeting expectations and turni	
3 in their paperwork, per the guidelines.	3 A Well, hopefully, they are still standing in
4 Q Okay. So you are aware that there are	
5 engineers that sent their FSR's in after	
6 got home?	6 Q Okay. If they is there Do they ever have
7 A Our system of reports is set up to actually	
8 give the field engineers a 24 hour leeway,	
9 24 hour buffer that this report generates or	
So, in other words, if I finish my job here	preventive maintenance jobs.
today, and I call it in complete to my	11 Q So it would just be emergency jobs?
12 scheduler, they are going to change it in	12 A Not necessarily emergencies. They could use
13 ClearView from notify to pend, the pendir	
report is not going to pick that up until 24	non-emergency issue with a piece of equipment.
hours later, so they are not actually going	
hit the report that they are late until 24	parts at a different time, you know, from home?
hours after it should have been turned in.	17 A Sure.
So there will be a timeframe where I do	_
know that they are late. I will probably no	
20 know for sure that they send it in from the	
I 01	21 ordering parts for a specific job, they can
site, unless I'm specifically looking for it	
for some reason, and those field engineers	who 22 certainly put time spent on the field service
for some reason, and those field engineers are not meeting expectations I would expe	who 22 certainly put time spent on the field service ct are 23 report if they elected to.
for some reason, and those field engineers are not meeting expectations I would expe being worked with, with the regional mans	who 22 certainly put time spent on the field service ct are 23 report if they elected to. 24 Q Have you ever seen a field service report where
for some reason, and those field engineers are not meeting expectations I would expe	who 22 certainly put time spent on the field service ct are 23 report if they elected to.

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1	A Not that I specifically recall.	job to check their calendar?
2	Q JT Packard expects their field engineers to	2 THE WITNESS: I don't know that
3	know what equipment they are going to work of	n 3 that's spelled out in the guideline manual.
4	before they get to the customer site, is that	4 The guideline manual does spell out for them to
5	right?	5 check their e-mail, but I would expect them
6	A That's correct.	6 also to be looking at their calendar.
7	Q Okay. So when they get the field service	7 BY MR. JOHNSON:
8	report with the initial job, they know what	8 Q And that's just so that they know what's coming
9	they're going into, right?	9 up, and what jobs they have, right?
10	A I'm not sure I understand the question.	10 A When they check their e-mail, they are going to
11	Q They know what types of equipment are at the	have received all of their field service
12	customer site, right?	12 reports for their work, and the calendar would
13	A Yes. When a field engineer is dispatched, he's	be a double check to make sure that they
14	actually sent this field service report with	14 received all their paperwork.
15	the customer and equipment information on it,	15 Q Why do you need a double check?
16	and there is an expectation that they	16 A Wouldn't want to accidentally forget to go to a
17	familiarize themselves with the equipment or	17 customer site that was scheduled because maybe
18	escalate the fact that they have no knowledge	18 something got lost in the e-mail.
19	and are the wrong person to put in front of	19 Q Are there any other tasks that a field engineer
20	that UPS.	does that is not spelled out or recorded in
21	Q Sure. And if they haven't worked on that piec	e 21 Paragraph 7 that we haven't spoken about?
22	of equipment for a year or two, and they need	22 A I don't know.
23	to freshen up, they can look at a manual, is	23 Q Do you know if the EZ Labor system that field
24	that right?	engineers have used since the fall of 2009
25	A That's correct.	25 records all of the time that we just spoke
	140	6 148
		1 10
1	Q Is that on the intranet?	1 about? 2 A The field engineer enters the time into EZ
2	A That would be on their laptop.	2 A The field engineer enters the time into EZ 3 Labor. I don't know if the field engineer
4	Q Do they record that within the guidelines of Paragraph 7?	4 enters times in all of those things that we
5	A That's not spelled out in there, but if they	5 just spoke about, but it's up to them.
6	elect to record it, they certainly could.	6 Q Did JT Packard write a policy on how to use EZ
7	Q There is no policy that says they have to	7 Labor?
8	record that?	8 A I believe there are instructions as well as I
9	A There is nothing spelled out in the manual,	9 recall there being training sessions held with
10	that's correct.	10 them to ensure that they knew how to use it.
11	Q And that's part of their job, to prepare for	11 Q And who would that training have been performed
12		
13	, ,	
14		14 HR.
15	1 1 1	15 Q All those tasks that we just went over that
16		16 field engineers do that may not be recorded in
17		Paragraph 7, those are all things that the
18	Q It's part of their job to order parts?	18 field engineers still are required to do, is
19	A Yes, it's the expectation that they'll order	19 that right?
20	parts.	20 A Many things that we discussed were expectations
21	Q Was there a job expectation that they talk or	
22		22 wouldn't want to broadly say yes without
23	calendar on a consistent basis?	23 actually seeing them written down and
24		24 understanding what they all are.
•		25 Q Let me find out where I am here. The
25	MR. JOHNSON: It's a part of their	25 Q Let me find out where I am here. The

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1	expectation that field service field	1 in this handbook that they are financially
2	engineers prepare for the job prior to getting	2 responsible for the company's tools and test
3	to the job, is that something that JT Packard	3 equipment.
4	still expects of their field engineers?	4 The one in NML was in January, and it was
5	A Yes.	5 a very cold ride back to Chicago, by the way.
6	Q That the field engineers return parts?	6 Q Windows broke?
7	A Yes.	7 A Oh, yes. Big old rock right through the
8	Q And that field engineers order parts?	8 window.
9	A Yes.	9 Q That's not good.
10	Q Field engineers maintain their tools?	10 A No.
11	A I think that that's not a that's too general	11 MR. JOHNSON: Let's take a quick five
12	of a statement to say yes to. The company has	12 minute break, and I'm going to regroup a minute
13	a tool calibration program. If a hand tool	13 here.
14	does get broken, if that's what you're	14 MR. VOSS: I've got a two o'clock
15	referring to, then they are required to call	15 call.
16	the parts department and order a replacement	16 MR. JOHNSON: Is it two o'clock?
17	tool, so in that sense of the term, yes.	17 MR. VOSS: It's seven of.
18	Q Do field field engineers are they drive	18 MR. JOHNSON: We can go off the
19	their tools to the customer site, right?	19 record.
20	A I believe they drive their cars, and their	20 (Discussion off the record.)
21	tools are probably inside the car.	21 (Short break was taken.)
22	Q Right. They are not driving their tools. I	22 MR. JOHNSON: All right. We are back
23	see what you're saying.	23 on the record, after a short break. Well,
24	Some of the guys were telling me about	24 actually, it was a longer break.
25	some of the field engineers were having some	25 MR. VOSS: Appreciate the
	150	152
1	issues with people stealing stuff out of their	1 consideration.
2	cars. JT Packard has a policy that the tools	2 BY MR. JOHNSON:
3	have to be taken out of their cars at night,	3 Q Mr. Sears, if the field service report isn't
4	and put back in in the morning when they leave	4 filled out properly, it gets sent back to the
5	for a customer site, is that right?	5 field engineer, right?
6	A I don't recall seeing that as a written policy.	6 A Not necessarily.
7	Q Do you know who would know if that's a policy?	7 Q Sometimes it does?
8	A (No response.)	8 A Sometimes it does, yes.
9	Q Patti?	9 Q Is that time reported on the field service
10	A Could be.	10 report that it takes for a field service
11	Q Is Patti working for Power Plus?	11 engineer to fill it out properly?
12	A I do not know.	12 A You would have to ask the field engineer if he
13	Q Do you know if it's an oral rule that JT	13 has that time in there.
14	Packard requires their field engineers to take	14 Q Is it JT Packard's policy that he has to have
15	their tools and their laptop out of their car	15 that time included?
16	at the end of the day and put it back in on	16 A I don't believe it's documented anywhere.
17	their way out in the morning?	17 Q The time that's recorded in the labor details
18	A I don't know that it would be an oral or verbal	18 section of the field service report, what is
19	rule or policy. It would make common sense,	19 that used for?
20	especially if you're spending the night in a	20 A That is the record of the time spent for that
21	hotel in downtown Detroit, I've been robbed	21 site visit, probably more so for the customer's
22	there once, a hotel in Minneapolis, I've been	22 benefit than anybody else's.
23	ripped off there, as well as just down the	23 Q Okay. What is What's an RMA?
24	street at Northwestern Mutual Life. You need	24 A It's a misused acronym. RMA stands for Return
25	to be aware of your surroundings. We do state	25 Material Authorization, but the way we use it
1		153
	151	

40 (Pages 154 to 157)

1 sto indicate that a pair or assembly or returned to corporate. 2 combining shipped to the field needs to be returned to corporate. 3 combining shipped to the field needs to be returned to corporate. 4 Q Is that a piece of paperwork that a field engineer fills out? 5 composed to fill out and attach to the report or to the part. 6 A There is a tag that the field engineer is supposed to fill out and attach to the report or to the part. 6 A Yes, a tow tag kind of thing. 10 A Yes, a tow tag kind of thing. 11 Q Field engineers fill out expense reports? 12 A Yes. 13 Q Is that recorded in a field service report? 14 A I don't know that I've seen it recorded on a field service report. 15 field service report. 16 Q What is a utilization report. 16 Q Old JT Packard or new JT Packard? 17 A Nol dfa. Before the fall of 2009, or whenever the started tracking time in EZ Labor, we didn't really have a utilization report, which engineer's utilization measured in any way to didn't really have a utilization report, which engineer's utilization measured in any way to software tool. I do not believe anybody utilization whether that be on field service reports. In ClearView, or our field flus offware, to software tool. I do not believe anybody utilization and outple. 15 Q One of his contentions was his regional manager wanted to increase his utilization, was fired, is that right? 1 A A I don't remember exactly when it was. It seems like more than a couple. 15 Q One of his contentions was his regional manager wanted to increase his utilization, was town. 15 Q One of his contentions was his regional manager wanted to increase his utilization, was town. 15 Q One of his contentions was his regional manager wanted to increase his utilization, was town. 15 Q One of his contentions was his regional manager wanted to increase his utilization, was town. 15 Q One of his contentions was his regional manager wanted to increase his utilization, on the was recorded in various for octention among the field engineers. 16 Q One of his contentions wa	1	:	to in direct short a mont on accountly on	1	_	Olean Ward Date Francis In 199
returned to corporate. Q Is that a piece of paperwork that a field engineer fills out? A There is a tag that the field engineer is supposed to fill out and attach to the report or to the part. Q A physical flag? A Yes, a tow tag kind of thing. Q Field engineers fill out expense reports? A I don throw that I've seen it recorded on a field service report? A I don throw that I've seen it recorded on a field service report? A I don throw that I've seen it recorded on a field engineer. The field service report is field engineer. A I don throw that I've seen it recorded on a field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer of equipment or on an FE, field engineer. The field engineer or equipment or on an FE, field engineer or equipment or on an FE, field engineer. The field engineer or equipment or on an FE, field engineer or this scheduled utilization, so if we are scheduling work on a piece of equipment, we know approximately how long that will take, and I wanted or we practiced trying to keep that scheduled utilization on a equipment or on an FE, field engineer or equipment or on an FE, field engineer or equipment or on an FE, field engineer or equipment or on an	1		to indicate that a part or assembly or	1	_	· ·
4 Q Is that a piece of paperwork that a field engineer fills out? 5 There is a tag that the field engineer is supposed to fill out and attach to the report or to the part. 9 Q A physical tag? 10 A Yes, a tow tag kind of thing. 11 Q Field engineers fill out expense reports? 12 A Yes. 13 Q Is that recorded in a field service report? 14 A I don't know that I've seen it recorded on a field service report. 15 G What is a utilization report? 16 Q What is a utilization report? 17 A Old JT Packard or new JT Packard? 18 Q Old JT Packard or new JT Packard? 19 A Noida. Before the fall of 2009, or whenever they started tracking time in EZ Labor, we didn't really have a utilization report, which engineer's utilization measured in any way? 21 a summary of the amount of work the field engineer's utilization measured in any way? 22 A Was it measured in any way? 23 Q Yes. 4 A The data may have been collected in various forms, whether that be on field service reports. 5 Forms, whether that be on field service reports. 6 Proports, in ClearView, or our Field Plus software tool. I do not believe anybody reports. 7 Q Okay. You know who Brian Teed is? 8 utilized that data in the form of a utilization manager wanted to increase his utilization, you know, as a percentage, and that was kind of a point that measure of utilization, you know, as a percentage, and that was kind of a point that measure of utilization was talking about? 8 A Ido not. 9 Oy one of his contentions was his regional manager wanted to increase his utilization, you know, as a percentage, and that was kind of a point that that measure of utilization, you know, as a percentage, and that was kind of a point that that measure of utilization was talking about? 8 A Ido not. 9 Oy one of his contentions was his regional manager wanted to increase his utilization, you know, as a percentage, and that was kind of a point that that measure of utilization was talking about? 9 Oy one of his contentions was his regional manager wanted to increase his utilization, you know, as a						-
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6 A There is a tag that the field engineer is supposed to fill out and attach to the report or to the part. 8 or to the part. 9 Q A physical tag? 10 A Yes, a tow tag kind of thing. 11 Q Field engineers fill out expense reports? 12 A Yes, a tow tag kind of thing. 13 Q Is that recorded in a field service report? 14 A I don't know that I've seen it recorded on a field service report. 15 G What is a utilization report? 16 Q What is a utilization report? 17 A Old JT Packard or new JT Packard? 18 Q Old JT Packard or new JT Packard? 19 A No idea. Before the fall of 2009, or whenever they started tracking time in EZ Labor, we didn't really have a utilization report, which is a summary of the amount of work the field engineer does. 19 Q Old y There was Strike that. Was a field engineer's utilization measured in any way 154 Prior to fall of 2009? 1 A Was it measured in any way? 155 Forms, whether that to on field service propts, in ClearView, or our Field Plus software tool. I do not believe anybody a utilized that data in the form of a utilization report. 10 Q Okay, You know who Brian Teed is? 11 A Yes. 12 Q All right. Couple years ago he was fired, is that righ? 12 A A and I don't believe he was fired, is that righ? 13 A I don't remember exactly when it was. It seems like more than a couple. 14 A I don't entember exactly when it was. It seems like more than a couple. 15 Q Oud the a while? 16 Q Oud to have thile? 17 A And I don't remember exactly when it was. It seems like more than a couple. 18 Q One of his contentions was his regional manager wanted to increase his utilization, you know, as a percentage, and that was kind of a point was a percentage, and that was kind of a point was a percentage, and that was kind of a point was a percentage, and that was kind of a point was a percentage, and that was kind of a point was a percentage, and that was kind of a point was a percentage, and that was kind of a point was a percentage, and that was kind of a point was a percentage, and that was kin						-
supposed to fill out and attach to the report or to the part. A Yes, a tow tag kind of thing. Q Field engineers fill out expense reports? A Yes. Q I start recorded in a field service report? A I don't know that I've seen it recorded on a 15 field service report. A No idea. Before the fall of 2009, or whenever the started tracking time in EZ Labor, we didn't really have a utilization report, which is a summary of the amount of work the field engineer does. A No idea. Before the fall of 2009, or whenever they started tracking time in EZ Labor, we didn't really have a utilization report, which is a summary of the amount of work the field engineer does. A Was it measured in any way? A Was it measured in any way? A Was it measured in any way? A The data may have been collected in various forms, whether that be on field service reports, in ClearView, or our Field Plus of various to forms, whether that be on field service reports, in ClearView, or our Field Plus of various triph. A Yes. Q Okay, You know who Brian Teed is? A Yes. Q All right. Couple years ago he was fired, is that right? A And I don't believe he was fired, is quit. A Yes. D Q One of his contentions was his regional manager warted to increase his utilization, you know, as a percention among the field engineers. D you know what that percentage or what that measure of utilization was talking about? A I don not.			_		Q	
8 A Scheduled utilization, so if we are scheduling 9 Q A physical tag? 10 A Yes, a tow tag kind of thing. 11 Q Field engineers fill out expense reports? 12 A Yes. 13 Q Is that recorded in a field service report? 14 A I don't know that I've seen it recorded on a field service report. 15 field service report. 16 Q What is a utilization report? 17 A Old JT Packard or new JT Packard? 18 Q Old JT Packard. 19 A No idea. Before the fall of 2009, or whenever they started tracking time in EZ Labor, we didn't really have a utilization report, which is a summary of the amount of work the field engineer does. 16 Q Okay. There was — Strike that. Was a field engineer's utilization measured in any way 154 1 prior to fall of 2009? 2 A Was it measured in any way? 3 Q Yes. 4 A The data may have been collected in various forms, whether that be on field service reports, in ClearView, or our Field Plus utilization report. 19 A Yes. 10 Q Okay. You know who Brian Teed is? 10 Q Okay. You know who Brian Teed is? 11 A Yes. 12 Q All right. Couple years ago he was fired, is that right? 13 A Ton't remember exactly when it was. It seems like more than a couple. 16 Q One of his contentions was his regional manager wanted to increase his utilization, so point or that deal engineers. 17 A And I don't believe he was fired; I believe he quit. 18 Q One of his contentions was his regional manager wanted to increase his utilization, so on the FSR? 18 A J Chon't remember exactly when it was. It seems like more than a couple. 20 Q One of his contentions was his regional manager wanted to increase his utilization, so on the FSR? 20 Q One of his contentions was his regional manager wanted to increase his utilization, you know, as a percentage, and that was kind of a point of contention among the field engineers. 21 D you know what that percentage or what that measure of utilization was talking about? 22 A Ido not.						-
y C A physical tag? A Yes, a tow tag kind of thing. Q Field engineers fill out expense reports? A Yes. A Yes. A Yes. A Yes. A Yes. A I don't know that I've seen it recorded on a field service report. A Old JT Packard or new JT Packard? A No idea. Before the fall of 2009, or whenever they started tracking time in EZ Labor, we didn't really have a utilization report, which is a summary of the amount of work the field engineer working 80 percent of his scheduled availability? A Old JT Packard. A No idea. Before the fall of 2009, or whenever they started tracking time in EZ Labor, we didn't really have a utilization report, which is a summary of the amount of work the field engineer does. A Was it measured in any way? D Yes. A The data may have been collected in various forms, whether that be on field service reports. in ClearView, or our Field Plus report. A Ha Cloury vou know who Brian Teed is? A All don't remember exactly when it was. It seems like more than a couple. A All of the remember exactly when it was. It seems like more than a couple. A And I don't believe he was fired; I believe he quit. A Yes. D You know what that percentage or what that measure of utilization was talking about? A I do not. P O One of his contentions was his regional manager wanted to increase his utilization, you know, as a percentage, and that was kind of a point of the field engineers. D oy ou know what that percentage or what that measure of utilization was talking about? A I do not.			• •			
10			-		А	
A Yes. Section of the service reports						
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13 Q Is that recorded in a field service report? 14 A I don't know that I've seen it recorded on a field service report. 15 G What is a utilization report? 16 Q Okay. So you're trying to keep the field engineer. 17 A Old JT Packard or new JT Packard? 18 Q Old JT Packard or new JT Packard? 18 A No idea. Before the fall of 2009, or whenever they started tracking time in EZ Labor, we didn't really have a utilization report, which engineer does. Q Okay. There was Strike that. Was a field engineer working 80 percent of his scheduled analiability? Our strategy is to schedule him for an 80 percent workload, doing preventive maintenance, remedial type work, with the expectation that emergency calls and time and materials jobs are going to come in, and his utilization is going to be cyclic, somewhere above or below 80 percent. 156						
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25 A I do not. 25 on the FSR?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A V Q Y A T for representation f	Was it measured in any way? Yes. The data may have been collected in various orms, whether that be on field service ports, in ClearView, or our Field Plus oftware tool. I do not believe anybody illized that data in the form of a utilization port. Okay. You know who Brian Teed is? Yes. All right. Couple years ago he was fired, is not right? don't remember exactly when it was. It seems are more than a couple. Could be a while? And I don't believe he was fired; I believe he not. One of his contentions was his regional manager anted to increase his utilization, you know, a a percentage, and that was kind of a point	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A A Q A	amount? Yes, 80 percent of his availability for the week. What's the availability? 40 hours. 40 hours? Yes. If there's multiple field engineers, it's the lead field service engineer that fills out the field service report, right? I'm sorry, is that a question? It's a long afternoon, I know. If there's multiple field engineers working on the same job, it's the lead field engineer on that job who fills out the field service report, right? Old JT Packard. Yes. That's the guideline, yes. Does that always happen? I don't know that it does.
V-1-1-1 = V-1-1	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A V Q Y A T for representation f	Was it measured in any way? Yes. The data may have been collected in various orms, whether that be on field service ports, in ClearView, or our Field Plus oftware tool. I do not believe anybody illized that data in the form of a utilization port. Okay. You know who Brian Teed is? Yes. All right. Couple years ago he was fired, is not right? I don't remember exactly when it was. It seems are more than a couple. Could be a while? And I don't believe he was fired; I believe he not. One of his contentions was his regional manager anted to increase his utilization, you know, a a percentage, and that was kind of a point of contention among the field engineers.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A A Q A	amount? Yes, 80 percent of his availability for the week. What's the availability? 40 hours. 40 hours? Yes. If there's multiple field engineers, it's the lead field service engineer that fills out the field service report, right? I'm sorry, is that a question? It's a long afternoon, I know. If there's multiple field engineers working on the same job, it's the lead field engineer on that job who fills out the field service report, right? Old JT Packard. Yes. That's the guideline, yes. Does that always happen? I don't know that it does. Are there times that when multiple field
155 157	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A V Q Y A T fo rep so uti rep Q (A Y Q A th A I lik Q (Q A Q W ass of	Was it measured in any way? Yes. The data may have been collected in various orms, whether that be on field service ports, in ClearView, or our Field Plus oftware tool. I do not believe anybody ilized that data in the form of a utilization port. Okay. You know who Brian Teed is? Yes. All right. Couple years ago he was fired, is not right? I don't remember exactly when it was. It seems are more than a couple. Could be a while? And I don't believe he was fired; I believe he not. One of his contentions was his regional manager anted to increase his utilization, you know, a percentage, and that was kind of a point of contention among the field engineers. Do you know what that percentage or what	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A A Q A	amount? Yes, 80 percent of his availability for the week. What's the availability? 40 hours. 40 hours? Yes. If there's multiple field engineers, it's the lead field service engineer that fills out the field service report, right? I'm sorry, is that a question? It's a long afternoon, I know. If there's multiple field engineers working on the same job, it's the lead field engineer on that job who fills out the field service report, right? Old JT Packard. Yes. That's the guideline, yes. Does that always happen? I don't know that it does. Are there times that when multiple field engineers worked on one job, all the labor for
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1	A. Per communicated viscon respect that?	1 A Thorrido would with their field engineers to get
1	A I'm sorry, could you repeat that?	1 A They do work with their field engineers to get
2	THE REPORTER: "Are there times that	2 their paperwork in, yes.
3	when multiple field engineers worked on one	3 Q Going through a series of tasks that field
4	job, all the labor for all the field engineers	4 engineers do, including phone calls, checking
5	wouldn't get recorded on the FSR?"	e-mail, checking the calendar, taking care of
6	THE WITNESS: I don't know that.	6 their tools, keeping track of air filters and
7	BY MR. JOHNSON:	5 buying air filters, filling out paperwork,
8	Q You don't know if that ever happened?	8 ordering parts, returning parts and getting
9	A No.	9 ready to do work on the job site, those are all
10	Q If I wanted to know every hour that a field	10 tasks that JT Packard now pays its field
11	engineer worked in a particular week, would the	engineers to perform; is that right?
12	field service report tell me exactly how many	12 A We pay the field engineers their salary and
13	hours that field engineer worked?	13 overtime, as reported. Those tasks fall into
14	MR. VOSS: Object to the form.	14 there somewhere, I'm sure.
15	THE WITNESS: The field service	15 Q Are they paid a salary or are they paid hourly
16	report would have, at the very least, recorded	16 now?
17	his time in relationship to that site visit.	17 A Salary.
18	BY MR. JOHNSON:	18 Q They are paid a salary and then an overtime
19	Q I'm going to have you take a look at Exhibit	19 rate on top of the salary?
20	No. 2, Bates page number TEED000287. The last	20 A Yes.
21	line on this Power Point slide says that the	21 Q Is that called a fluctuating workweek? Have
22	it's likely missing unreported admin, tech	22 you ever heard that term?
23	support, et cetera. Do you have any idea what	23 A I don't know that from what I understand a
24	that's talking about?	24 fluctuating workweek to be it would actually be
25	A The administrative time, the tech support time,	25 called that, no.
	158	160
1	the items that you inquired about earlier in	1 Q Okay. What do you call it? Do you call it
2	our conversation today is what I would believe	2 anything?
3	that is referring to.	3 A A fluctuating workweek?
4	Q And that's not recorded or potentially not	4 Q What do you call the way that the field
5	recorded accurately on a field service report,	5 engineers are paid now?
6	is that right?	6 A They are paid salary, plus they get overtime on
7	A Potentially.	7 top of that.
8	Q Are there a lot of field service reports that	8 Q But prior to fall of 2009, there was no
9	come in after 24 hours have passed?	9 agreement between JT Packard and the field
10	A Define "a lot."	10 engineers that they would receive overtime in
11	Q More than 20 percent.	addition to their salary; is that correct?
12	A I couldn't tell you.	12 A Prior to the fall of 2009, yes, I don't know
13	Q Is it a regular problem, not a problem	that there's ever been an agreement between the
14	Strike that.	14 field engineers and the organization to that
15	Is it a regular issue that the regional	15 effect.
ı	as it a regular issue time the regional	
16	managers are facing?	1 16 () If there was an agreement, would voli know?
16 17	managers are facing? A. That is an expectation that the regional	16 Q If there was an agreement, would you know?
17	A That is an expectation that the regional	17 A I may.
17 18	A That is an expectation that the regional managers have an opportunity to continue to	17 A I may. 18 Q If there was an agreement to pay the field
17 18 19	A That is an expectation that the regional managers have an opportunity to continue to manage.	17 A I may. 18 Q If there was an agreement to pay the field 19 engineers overtime in addition to their salary
17 18 19 20	 A That is an expectation that the regional managers have an opportunity to continue to manage. Q Do the regional managers spend a lot of time 	17 A I may. 18 Q If there was an agreement to pay the field 19 engineers overtime in addition to their salary 20 prior to fall 2009, would you know?
17 18 19 20 21	 A That is an expectation that the regional managers have an opportunity to continue to manage. Q Do the regional managers spend a lot of time tracking down FSR's? 	17 A I may. 18 Q If there was an agreement to pay the field 19 engineers overtime in addition to their salary 20 prior to fall 2009, would you know? 21 A I would like to think I would.
17 18 19 20 21 22	 A That is an expectation that the regional managers have an opportunity to continue to manage. Q Do the regional managers spend a lot of time tracking down FSR's? A Again, define "a lot." I don't know what 	17 A I may. 18 Q If there was an agreement to pay the field 19 engineers overtime in addition to their salary 20 prior to fall 2009, would you know? 21 A I would like to think I would. 22 Q Do the field engineers Strike that.
17 18 19 20 21 22 23	 A That is an expectation that the regional managers have an opportunity to continue to manage. Q Do the regional managers spend a lot of time tracking down FSR's? A Again, define "a lot." I don't know what portion of their day or week they spend doing 	17 A I may. 18 Q If there was an agreement to pay the field 19 engineers overtime in addition to their salary 20 prior to fall 2009, would you know? 21 A I would like to think I would. 22 Q Do the field engineers Strike that. 23 Are the field engineers now instructed to
17 18 19 20 21 22 23 24	 A That is an expectation that the regional managers have an opportunity to continue to manage. Q Do the regional managers spend a lot of time tracking down FSR's? A Again, define "a lot." I don't know what portion of their day or week they spend doing that. 	17 A I may. 18 Q If there was an agreement to pay the field 19 engineers overtime in addition to their salary 20 prior to fall 2009, would you know? 21 A I would like to think I would. 22 Q Do the field engineers Strike that. 23 Are the field engineers now instructed to 24 record the amount of time that they spend on
17 18 19 20 21 22 23	 A That is an expectation that the regional managers have an opportunity to continue to manage. Q Do the regional managers spend a lot of time tracking down FSR's? A Again, define "a lot." I don't know what portion of their day or week they spend doing 	17 A I may. 18 Q If there was an agreement to pay the field 19 engineers overtime in addition to their salary 20 prior to fall 2009, would you know? 21 A I would like to think I would. 22 Q Do the field engineers Strike that. 23 Are the field engineers now instructed to

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1	A I have not read the directions, nor attended	1 BY MR. JOHNSON:
2	the training for EZ Labor, so I don't know what	2 Q This is a job description of a field engineer,
3	they are instructed to do.	3 right?
4	Q That's fine. I'll call Tom. Prior to the fall	4 A That's what the title is.
5	of 2009, do you know if anybody from JT Packard	5 Q Okay. Have you read through this document?
6	ever looked into whether or not field engineers	6 A I've browsed through it.
7	should receive overtime?	7 Q I would like to take a look at the second page
8	A I don't know that for a fact.	8 here. It says knowledge, skills, abilities
9	Q Do you know who made that decision?	9 necessary to perform the essential functions.
10	A Which decision was that?	10 What are JT Packard's education requirements
11	Q The decision to not pay field engineers	11 for a field engineer?
12	overtime?	12 A I think the educational requirements were on
13	A I do not.	Page 1, at the bottom, on this particular job
14	Q Prior to the fall of 2009, did a field engineer	14 description.
15	ever complain to you about not receiving	15 Q Yes, they sure are. All right. And what are
16	overtime?	16 those requirements?
17	A Not that I recall.	17 A Minimum two-year educational background in
18	Q Did you ever hear of any complaints of field	18 electronic repair or related military
19	engineers wanting to know why they didn't	19 experience. All candidates should have a
20	receive overtime?	20 minimum of two years of field experience
21	A Complaints, or field engineers wanting to know?	21 servicing UPS systems is how the document read.
22	I don't remember either.	22 Q The two year educational background in
23	Q Do you know if anybody at JT Packard has	electrical repair, what exactly is that
24	contacted the Department of Labor to find out	24 requirement?
25	whether the field engineers should or should	25 A Beats me. Maybe they fixed toasters or clock
	162	164
1	not receive overtime?	1 radios or stereos.
2	A I have no knowledge of that.	2 Q It's not really coursework in fixing and
3	Q Do you know if anybody at JT Packard has	3 maintaining UPS systems?
4	researched the Fair Labor Standards Act to find	4 A Doesn't say that.
5	out if the field engineers should receive	5 Q Okay. Is that a requirement at JT Packard,
6	overtime?	6 that you have to have a specific course in
7	A I've got no knowledge of that.	7 fixing UPS systems?
8	Q How about the regulations that accompany the	8 A Doesn't say that on this document.
9	Fair Labor Standards Act?	9 Q Okay. But it is a requirement?
10	A I have no knowledge of that either.	10 A Of old JT Packard?
11	Q Wisconsin law on overtime?	11 Q Yes.
12	A No idea.	12 A I don't know.
13	Q So you don't know whether JT Packard has ever	13 Q I thought you were the guy that knew
14	looked into whether the law requires the FE's	14 everything.
15	to receive overtime?	15 A Well, Patti was in charge of field service; I
16	A I have no firsthand knowledge of anybody doing	16 wasn't.
17	that.	17 Q But at the time you were in charge of field
18	Q Okay. I'll have you take a look at this.	18 service?
19	A Okay.	19 A Yes.
20	MR. VOSS: Excuse me. What exhibit	20 Q From 2004 to about 2006?
21	is that?	21 A Approximately.
22	THE WITNESS: 11.	22 Q Okay.
23	MR. JOHNSON: Exhibit No. 11.	23 A That would have been my preference, that they
24	MR. VOSS: Okay.	24 had UPS experience, yes.
25		25 Q Are there any field engineers that have only a
	163	165

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1		high sahaal diploma?	1		would know that It's really up to the hiring
2	٨	high school diploma? I don't know.	1		would know that. It's really up to the hiring
	A		2		manager.
3	Q		3		BY MR. JOHNSON:
4	A		4		Who's the hiring manager?
5	Q	* v *	5		Old JT Packard, that would be field service
6		employee from becoming a field engineer for JT	6		management, Patti Epstein, area service
7		Packard?	7		directors, regional managers, obviously they
8	A		8		are going to have input from the human
9	Q		9		resources department. The job descriptions are
10		maintaining uninterruptible power systems?	10		really more filters than they are policy.
11	A		11	Q	If somebody was a Strike that.
12	Q	Okay. So is there a professional degree that	12		If somebody didn't have a four year
13		you would have to have to be able to service an	13		college degree, could they still work for JT
14		uninterruptible power system?	14		Packard as a field engineer?
15	A	I guess that depends on who you're trying to	15		That would be up to the hiring manager and the
16		get a job with, and what their requirements	16		human resources department.
17		are. I don't believe there is any federal or	17		But there is not a specific degree that an
18		state laws, you know, it really comes down to	18		individual has to have to be able to work as a
19		the corporation.	19		field engineer?
20	Q	Does JT Packard require an employee to have a	20		Not that I'm aware of.
21		specific academic degree to become a field	21		And you said basically a field engineer learns
22		engineer?	22		how to do their job through on-the-job
23		I don't have any knowledge of that.	23		experience?
24	Q	Okay. How does one learn how to do what a	24		Through the on-the-job training from other
25		field engineer does?	25		field engineers, any training programs the
		166			168
1	Α	I suspect that one needs to obtain a job with a	1		organization may have. There is not a prep
2		company who does this business and learn from	2		college or courses at MATC that you can take on
3		the senior field engineers and training	3		UPS repair that I'm aware of.
4		department that they may have.	4		The job description, Exhibit No. 11, under
5	0	And then after two years of that, JT Packard	5		decision-making authority there on the first
6	•	would hire them?	6		page, it says limited decision-making
7	Α	I don't know that.	7		authority. Is that accurate?
8	Q		8		I guess when it comes to making decisions on
9	×	experience in working with UPS's?	9		the company's behalf, yes.
10	Α	I don't know the experience levels of our field	10		What kind of decisions does a field engineer
11		engineers. I suspect that's possible.	11		make?
12	Q		12	A	Whether or not to go to the job that's
13	_	Completed high school, have a Bachelors of	13		assigned, whether or not to leave a unit in
14		Electronics Engineering from DeVry, worked for	14		bypass, leave it with bad batteries, whether or
15		the OEM for six years, worked for third-party	15		not to consult with a customer before he
16		companies going on about 15 years.	16		leaves. He has all kinds of decisions to make.
17	O	So you don't have an Strike that.	17		Are most of those decisions based upon, you
18	·	I'm sure a degree in electrical	18		know, the data that comes from the different
19		engineering would be helpful, but is that a	19		tools the field engineer uses?
20		requirement to work at JT Packard as an FE?	20		Some decisions are based on data that he
21		MR. VOSS: Is this the old JT	21		collects. Some of those decisions he doesn't
22		Packard?	22		really have, he is guided on what he's going to
23		MR. JOHNSON: Yes, the old JT	23		be doing, and he gets to decide on whether or
24		Packard.	24		not he does it.
25		THE WITNESS: I don't believe that I	25		What do you mean "he gets guided"?
		167		•	169

44 (Pages 170 to 173)

1	A. Esperantis and tall him he made to sall	1 O Okara Da than kama ta manan inamana ta IT
1	A For example, we tell him he needs to call	1 Q Okay. Do they have to prove insurance to JT 2 Packard?
2	before he goes to the job site. If he decides	2 Packard? 3 A Yes, Old JT Packard?
3	not to do so, and he shows up, and the customer	4 O Old JT Packard.
4	is not there, he's failed to meet expectations.	
5	Q Okay.	
6 7	A He's told to make the best battery string that	- account was an acceptant and acceptance
	he can if he finds bad batteries. If he	8
8	doesn't do that, he's failed to meet	
9	expectations and he can be disciplined.	, , , , , , , , , , , , , , , , , , ,
11	There's certain things that the decisions aren't left to them, they are guided and told	10 Q Was that before 2005? 11 A I don't know.
12	what to do, and if they decide not to do it,	
13	they could be disciplined.	12 Q It was worth a shot. So if JT Packard requires the field engineers to get insurance, somewhere
14	Q When they are actually testing a specific	is there a list of the insurance and what car
15	battery or testing a specific piece of	15 is insured?
16	equipment, whether or not it needs to be	16 A I would believe that our human resources
17	replaced, is that based on numbers?	17 department would have a copy of the field
18	A For the most part, yes. There is very little	18 engineer's current insurance certificate, which
19	subjectivity to it, although some can exist.	19 would probably list their vehicle.
20	Q And is outside of Strike that. When they	20 Q Do you know what driver's logs are, you know,
21	are at the actual customer location and	the folks that
22	performing the service on the parts, what other	
23	decisions are there that do have subjectivity?	23 Q Let me see if I've got them down here. Here's
24	A Whether or not to wipe down or clean the	one. This is a rough example.
25	outside of the unit; whether or not to vacuum	25 (Exhibit No. 13 marked for identification.)
23	170	(,
	170	172
1	the unit or dust the circuit boards; whether or	1 BY MR. JOHNSON:
2	not it's safe to perform the assigned task,	2 Q The Department of Transportation requires
3	given the equipment status and environment,	3 certain employees or certain drivers of
4	things like that.	4 vehicles keep drive logs, you know, a daily log
5	Q The cleaning of the unit, vacuuming, are those	of when they are on duty and off duty. Does JT
6	expectations that you have that they do that	6 Packard require the field engineers to keep a
7	every time?	7 log like this?
8	A My expectation is that they clean the unit, and	8 A Not that I'm aware of.
9	if the unit is in a spectacular environment,	9 Q Have you ever seen a log like this kept for a
10	like a raised floor computer room, odds are	10 field engineer?
11	they won't have to wipe it down or vacuum it	11 Q Not that I recall. A couple minutes ago we
12	out. It's subjective. When you look at it, is	12 were talking about the discretion and
13	it dirty? No? Great. That's one less thing I	13 decision-making abilities that the field
14	have to do.	14 engineers have on the job. Can they make
15	Q Got you. Do you know what kind of vehicles the	decisions, financial decisions that bind JT
16	field engineers drive?	16 Packard?
17	A No.	17 A No.
18	Q Does JT Packard require them to keep insurance?	18 Q Okay. Do you know any field engineers that
19	A Yes.	19 don't have a college degree?
20	Q JT Packard doesn't pay for the insurance?	20 A I don't know that I can name one that does
21	A No. Let me rephrase that. JT Packard provides	either, so no. I'm not aware of their
22	an auto allowance with which it is expected the	22 educational background.
23	field engineer will obtain reliable	23 Q Do you know if there were any meetings about
24	transportation, insure it, and so on and so	24 the payment of overtime?
25	forth.	25 A I believe there were.
	171	173

45 (Pages 174 to 177)

1	O Put you would involved in those?	1 & Patte doing business as IT Dealeard
1	Q But you weren't involved in them?	1 & Betts doing business as JT Packard. 2 O By "reassign" you mean send out or call them.
2	A I may have been. As I mentioned earlier, I	,
3	know that I was involved in at least one discussion about the move to paying overtime	and say, "Hey, we changed our name, here's a new contract, can you sign this?
4	1	
5	being cost neutral to the company, and the	5 MR. VOSS: Object to the form. Go 6 ahead.
6 7	amount of the adjustment that may have needed	7 THE WITNESS: It was a letter our
	to be made, but that's about all I recall about	8 contracts/legal department put together and
8 9	any of that. Since that wasn't my department, I generally wasn't involved with it.	9 sent out to all the customers.
10	Q Prior to the sale, prior to the closing of the	10 BY MR. JOHNSON:
11	sale, prior to January 26th, JT Packard had	11 Q Do you know when those were sent out?
12	numerous contracts with customers, correct?	12 A I don't.
13	A Correct.	13 Q Was it immediately on the 26th?
14	Q Did field engineers perform services under	14 A I couldn't tell you.
15	those contracts after January 27th?	15 Q Okay.
16	A The contracts may have been reassigned to the	16 A I think it was actually sent out even before
17	new customer or new company, so maybe the	the auction, because it named all three
18	contract was different, being assigned to the	18 possible winners of the bid, the three parties
19	new company, but if you go back to the	that were bidding, and I know that because
20	customer, if they have a contract with ABC	20 there was a couple of customers that had
21	Company before and it extended and another	21 conflict with their being multiple names on it,
22	payment was due after the purchase, yes, we	22 and it had to be redone later.
23	went back to ABC Company and did the PM.	23 Q Did you receive a new contract from all your
24	Q There were field engineers working on	24 customers?
25	January 27, right?	25 A I don't know.
	174	176
1	A I would imagine so.	1 Q Who would know that?
2	Q And they were working for customers that may	2 A Well, I don't know that any one person knows
3	have had a contract, right?	3 that, but the best place to start would be our
4	A Very possibly.	4 contracts department, with Dave Kreger.
5	Q And that contract was they were still	5 Q Dave Kreger?
6	working under the terms of that contract after	6 A Uh-huh. 7 O What percent of former JT Packard customers did
7 8	the sale, correct? A If this was a contract after the sale, and we	7 Q What percent of former JT Packard customers did 8 JT Packard continue to do business with after
9	went out to do the job, then we were working	9 the sale?
10	under the terms of that contract.	10 A I have no idea.
11	Q I'm talking about if they had a year contract	11 Q Do you have any idea how many customers JT
12	that started on December 1st of 2009 and	12 Packard has?
13	continued to December 1st, 2010, and they were	13 A It would only be a guess.
14	scheduled to perform maintenance on January 27	14 Q Do you know if any customers said, "I don't
15	or January 28 of 2010, and they did that work,	like Thomas & Betts, I'm no longer going to do
16	that work was performed under the contract with	business with you, JT Packard"?
17	old JT Packard, right?	17 A I don't know of any specific customer that said
18	A Not to my knowledge. Those contracts were	18 that.
19	reassigned to the new business or at least an	19 Q And other than the one customer that we
20	attempt was made to reassign all of those	20 discussed earlier, we didn't name the customer,
21	customers' contracts to the new business.	but we discussed it earlier in conjunction with
22	Q What do you mean "reassign"?	22 the other litigation that's going on, do you
23	A The contracts were with JT Packard &	23 know of any other customers that JT Packard has
24	Associates, Inc., which basically no longer	24 lost since the sale?
25	exists, so they had to be reassigned to Thomas	25 A I don't know specific customers. I do get
	175	177

46 (Pages 178 to 181)

			_		DVV M VOVDVG OV
1		e-mails of cancellations, so they are in my	1	_	BY MR. JOHNSON:
2		in-box.	2		Okay. Why not?
3	_	Are there a lot of cancellations?	3	A	Because JT Packard was still a part of S.R.
4	Α	Again, define "a lot". I think it's a small	4		Bray Corp., and I have no decision-making
5		percentage compared to our overall customer	5		authority over what happens with money nor
6		base.	6		visibility of it once they take the cash from
7	Q		7		us and put it in their own accounts.
8		position of JT Packard currently because of the	8	Q	But there was about \$5 million in profit from
9		loss of customers?	9		JT Packard in 2009?
10		No.	10		MR. VOSS: Object to the form.
11	Q	Does JT Packard have a policy that field	11		THE WITNESS: Sounds approximately
12		engineers are disciplined if their field	12		correct.
13		service report is not is more than 24 hours	13		BY MR. JOHNSON:
14		late?	14	Q	Do you have any idea what percentage of the
15	Α	I know that that's written in the guideline	15		employees at JT Packard immediately after the
16		manual, 24 to 48 hours. I don't recall if, in	16		sale had their supervisory structure change?
17		fact, it says that we may take disciplinary	17		No, not exactly.
18		action in that particular manual. I know that	18		Do you have a ballpark?
19		it's communicated from me anyway that if you	19	A	Well, not without going back through the org
20		don't meet expectations of your job function	20		chart.
21		that you may be disciplined.	21	Q	Are you inviting me to go back through that org
22	Q	Sure. That makes sense, but it doesn't always	22		chart?
23		happen?	23		MR. VOSS: Well, do you want him to
24	A	True.	24		guess?
25	Q	We were talking earlier about the field service	25		MR. JOHNSON: Well, no, I don't.
		178			180
1		noneut not were breeze necessitive all the admin	-1		MD MOCC The state of the
1		report not, you know, recording all the admin,	1		MR. VOSS: Then show him.
2		tech support, all the time that a field	2	0	BY MR. JOHNSON:
2		tech support, all the time that a field engineer works each week. Do you have any	2	Q	BY MR. JOHNSON: Exhibit No. 11, that's the job description for
2 3 4		tech support, all the time that a field engineer works each week. Do you have any estimate of how much admin time a field	2 3 4		BY MR. JOHNSON: Exhibit No. 11, that's the job description for every field engineer, correct?
2 3 4 5	٨	tech support, all the time that a field engineer works each week. Do you have any estimate of how much admin time a field engineer would work?	2 3 4 5	A	BY MR. JOHNSON: Exhibit No. 11, that's the job description for every field engineer, correct? Excuse me?
2 3 4 5 6		tech support, all the time that a field engineer works each week. Do you have any estimate of how much admin time a field engineer would work? No.	2 3 4 5 6		BY MR. JOHNSON: Exhibit No. 11, that's the job description for every field engineer, correct? Excuse me? That's the job description for every field
2 3 4 5 6 7	Q	tech support, all the time that a field engineer works each week. Do you have any estimate of how much admin time a field engineer would work? No. Have you guys done any study into that?	2 3 4 5 6 7	A Q	BY MR. JOHNSON: Exhibit No. 11, that's the job description for every field engineer, correct? Excuse me? That's the job description for every field engineer at JT Packard, correct?
2 3 4 5 6 7 8	Q A	tech support, all the time that a field engineer works each week. Do you have any estimate of how much admin time a field engineer would work? No. Have you guys done any study into that? I have not.	2 3 4 5 6 7 8	A Q	BY MR. JOHNSON: Exhibit No. 11, that's the job description for every field engineer, correct? Excuse me? That's the job description for every field engineer at JT Packard, correct? That is a job description, an old one at that.
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47 (Pages 182 to 185)

1		closing took place on January 26, correct?	1	Q Okay.
2	A		2	A The Thomas & Betts Power Solutions LLC d/b/a JT
3	Q		3	Packard Purchase Order Terms and Conditions
4	v	recollection at all?	4	(Service), this document I have not reviewed in
5	Α	I mean, it sounds like that's the approximate	5	its entirety. I imagine that this is an
6		date. It doesn't spell out that it's the	6	evolution of previous forms of JT Packard
7		closing, it just says it's completed. So if	7	service terms and conditions, which would
8		you're saying it's the 26th, then it is.	8	probably have some of my work in there, but I
9	O	In the second paragraph there is a description	9	don't believe that I've actually reviewed that
10	•	of JT Packard's core business. Is there	10	document.
11		anything in that description that is different	11	Q The JT Packard & Associates Terms and
12		than what old JT Packard did?	12	Conditions document, that applied to that
13	Α	Anything that's different, I guess my only	13	applied both before and after the sale, is that
14		hesitation is the industrial piece of it. JT	14	right?
15		Packard had minimal interest in the industrial	15	MR. VOSS: Hold on. What document
16		market, where Thomas & Betts' Cyber-X product	16	are we referring to?
17		is primarily in the industrial market, so	17	MR. JOHNSON: One second. The one
18		that's the main difference, but essentially	18	that starts on Bates stamped 27 279.
19		it's the same business.	19	MR. VOSS: 279?
20	0	And the new JT Packard continues to perform	20	MR. JOHNSON: On the top it says,
21	V	everything that's listed in that second	21	JT Packard & Associates, Terms and Conditions.
22		paragraph, correct?	22	MR. VOSS: Thomas & Betts Power
23	Α	Correct.	23	Solutions?
24		In your work for JT Packard in the last two	24	MR. JOHNSON: JT Packard & Associates
25	V	years, did you have anything to do with the	25	Terms and Conditions.
		182		184
				-
1		Time & Materials contracts, the Battery R & R	1	THE WITNESS: I'm not sure where you
1 2		Time & Materials contracts, the Battery R & R contracts, Purchase Order (Service) Terms and	1 2	THE WITNESS: I'm not sure where you are.
		- · · · · · · · · · · · · · · · · · · ·		-
2	A	contracts, Purchase Order (Service) Terms and Conditions? Terms and Conditions, I played a part in	2	are. MR. VOSS: I don't know where you're reading from.
2 3	A	contracts, Purchase Order (Service) Terms and Conditions?	2	are. MR. VOSS: I don't know where you're
2 3 4	A	contracts, Purchase Order (Service) Terms and Conditions? Terms and Conditions, I played a part in	2 3 4	are. MR. VOSS: I don't know where you're reading from.
2 3 4 5	A	contracts, Purchase Order (Service) Terms and Conditions? Terms and Conditions, I played a part in reviewing. Battery R & R's, and Time &	2 3 4 5	are. MR. VOSS: I don't know where you're reading from. MR. JOHNSON: Give me yours.
2 3 4 5 6	A	contracts, Purchase Order (Service) Terms and Conditions? Terms and Conditions, I played a part in reviewing. Battery R & R's, and Time & Materials have a standard set of terms. Unless they were of a project level, I probably didn't see them.	2 3 4 5 6	are. MR. VOSS: I don't know where you're reading from. MR. JOHNSON: Give me yours. MR. VOSS: TEED000279 is Thomas & Betts Power Solutions, LLC d/b/a JT Packard. MR. JOHNSON: Oh, I have a different
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q	contracts, Purchase Order (Service) Terms and Conditions? Terms and Conditions, I played a part in reviewing. Battery R & R's, and Time & Materials have a standard set of terms. Unless they were of a project level, I probably didn't see them. Those three things that we were discussing, those are documents, correct? Which three things are those? The Time & Materials Terms and Conditions document, the Battery R & R Terms and Conditions document, and the Purchase Order (Service) Terms and Conditions document. It might be easier if I just I thought I would try to save time, but it's not going to work. Let's mark this, too. (Exhibit No. 15 marked for identification.) THE WITNESS: Do you want me to read these? BY MR. JOHNSON: No. Are you familiar with these three	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	are. MR. VOSS: I don't know where you're reading from. MR. JOHNSON: Give me yours. MR. VOSS: TEED000279 is Thomas & Betts Power Solutions, LLC d/b/a JT Packard. MR. JOHNSON: Oh, I have a different one. I was looking at a different document. MR. VOSS: With the same Bates label? MR. JOHNSON: No, mine was blank. MR. VOSS: Okay. MR. JOHNSON: Let me see. Do you know if these three documents were substantially changed after the sale? MR. VOSS: Object to the form. MR. JOHNSON: Do you know? THE WITNESS: I don't know. And until I had time to read the first sentence of the first two pages, I didn't even realize that they had changed it to Thomas & Betts Power Solutions, LLC, but the format with the black bar and the white lettering in the bar is the

48 (Pages 186 to 189)

1	I was familiar with them.	1 www.jtpackard.com in your Internet Explorer and
2	BY MR. JOHNSON:	2 hit go, you would come to powerplus.com.
3	Q Let's see. I have them. Let's see if we have	3 Q Okay. When did that stop happening?
4	a date on this one. Hey, look at that.	4 A Somewhere around January 26th of 2010.
5	A Okay.	5 Q Okay. This is a JT Packard job posting for a
6	MR. JOHNSON: Let's mark these. They	6 field engineer, is it not?
7	are not as good, but they'll do, I think.	7 MR. VOSS: For old JT Packard?
8	(Exhibit No. 16 marked for identification.)	8 MR. JOHNSON: For old JT Packard.
9	BY MR. JOHNSON:	9 THE WITNESS: As well as a Power Plus
10	Q Can you take a look through document number 16,	10 fuel service truck driver posting.
11	Exhibit 16.	11 BY MR. JOHNSON:
12	A (Witness complies.)	12 Q On the bottom right corner there is a date of
13	Q Is the Time & Materials Terms and Conditions	13 June 16, 2008, is that right?
14	document the same document with different	14 A That's what I see.
15	revisions?	15 (Exhibit No. 18 marked for identification.)
16	MR. VOSS: Hold on. Are you	16 BY MR. JOHNSON:
17	referring to Exhibit 16 or part of Exhibit 16?	17 Q You've been given Exhibit No. 18, and it's
18	MR. JOHNSON: I'm referring to 16 and	18 Bates stamped Teed 000273. This is a job
19	15.	posing for JT Packard again for a field
20	MR. VOSS: Are you asking the witness	20 engineer, is it not?
21	to compare these two documents?	21 A That is correct.
22	BY MR. JOHNSON:	
23		ı v
	Q Is it your understanding, Mr. Sears, that	Transfer de la constant de la consta
24	Document No. 15 is a later version of Document	
25	No. 16, the Time & Materials Terms and	25 THE WITNESS: I don't see any
	186	188
1	Conditions portion of the decument?	1 substantial difference between these two
2	Conditions portion of the document? A Based on the revision date of 1/29/10 on	
		2 exhibits?
3	TEED000277, compared to the date on TEED000313,	
4	although that date doesn't say revision date,	4 Exhibit 18?
5	it just says the date of 12/29/08, I would say	5 THE WITNESS: Correct.
6	this one was made in January of '10 and this	6 MR. JOHNSON: I think that is all I
7	one was made in December of '08.	7 have. Let me take a quick five minutes, and I
8	MR. VOSS: Referring to Exhibits 15	8 will make sure.
9	and 16 respectively, correct?	9 MR. VOSS: Okay.
10	THE WITNESS: Correct. Sorry.	10 MR. JOHNSON: Oh, I have some other
11	(Exhibit No. 17 marked for identification.)	exhibits. We'll do that when I get back
12	BY MR. JOHNSON:	12 though. Let's take about five minutes.
13	Q If you could take a look at Exhibit No. 17,	13 MR. VOSS: Okay.
14	Bates stamped TEED000310, Mr. Sears, this is a	14 (Discussion off the record.)
15	job posting on the JT Packard website for a	15 (Short break was taken.)
16	field engineer, is it not?	16 (Exhibit 19 and 20 marked for identification.)
17	A It is not.	17 BY MR. JOHNSON:
18	Q It isn't?	18 Q All right. We are back on the record after a
19	A Nope.	short break. Mr. Sears do you know what JTP
20	Q For a UPS field engineer?	20 Liquidation, Incorporated is?
21	A It's the powerplus.com website.	21 A No.
22	Q Oh, it sure is. Do you know when Power Plus	22 Q Have you ever heard of that?
23	changed over to JT Packard, for the URL?	23 A No.
24	A They never did. The URL www.jtpackard.com was	24 Q Okay. You've never seen Exhibit No. 19?
25	directed to powerplus.com. If you went to	25 A No.
	187	189
	107	100

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	_	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
1	Q	A document marked TEED000336 through 337?	1	_	Language within the purchase agreement.
2		No, I haven't.	2	Q	0 0
3	Q	Okay. Do you know what happened with whatever	3		Yes. As I mentioned, it was in reference to
4		was left of JT Packard & Associates?	4		litigations, so I can only assume that it's
5		No.	5		regarding the FE litigation.
6		And does anybody work for JT Packard &	6	Q	When you were traveling around and presenting
7		Associates?	7		the sale of JT Packard to potential buyers,
8		I have no idea.	8		there was mention of the Teed and Clay lawsuits
9	_	Do you know who would know that?	9		at that time, correct?
10		Michael Polsky, Greg Charleston.	10	Α	The sales presentations we gave at the Verona
11	_	Okay. Can you take a look at what's been	11		headquarters included a slide within the
12		marked as Exhibit No. 20?	12	_	presentation that talks to the litigation, yes.
13		(Witness complies.)	13	Q	Okay. Do you remember what Keith said about
14	Q	Exhibit No. 20 is marked TEED000338 through	14		the litigation, other than what was it, how
15		404?	15		did you put it? That the purchaser wouldn't
16		Yes.	16		have to worry about it?
17	Q	Mr. Sears, this is the asset purchase agreement	17	A	I believe the term that Keith liked to use,
18		between Thomas & Betts, JT Packard &	18		that I recall him using is it will be carved
19		Associates, Incorporated, and Michael Polsky.	19		out.
20		Have you ever seen this document before?	20		Of the sale?
21	A	No.	21	A	New owners wouldn't have to worry about it, it
22	Q	•	22		would be carved out, or something to that
23	A	No.	23		effect.
24	Q	•	24	Q	Okay. Did he explain what the lawsuit was
25		page marked TEED403?	25		about?
		190			192
1	A	(Witness complies.)	1	Δ	I believe so. I'm not 100 percent sure on
2	0		2	А	that.
3	_	Well, the name underneath the signature is	3	Ω	Okay. I would have to talk to Keith, wouldn't
4	А	Dominic Pileggi.	4	_	I?
5	Q		5		(Witness nods.)
6	A		6		Do you know if Thomas & Betts was aware of the
7	Q		7	V	Teed and Clay lawsuits prior to the purchase?
8	A	I don't believe so.	8		MR. VOSS: Object to the form, no
9	0	Who was at the auction with you?	9		foundation.
10	A	With me, Sandy O'Connor and Greg Charleston.	10		THE WITNESS: At a minimum, they saw
11	Q		11		the slide in the presentation, I would imagine.
12	V	right?	12		BY MR. JOHNSON:
13	Δ	Correct.	13		Do you have any idea what due diligence was
14	Q		14	Ų	done with regard to JT Packard by Thomas &
15	Ų	was negotiated on with regard to the Teed and	15		Betts?
16		Clay lawsuits at the auction?	16		I have some idea of the questions that they
17	Δ	I do not recall any discussions about the Teed	17	. 1	asked during the sales presentation, and they
18	А	and Clay lawsuit as much as I do some language	18		also made a return visit to sit with various
19		regarding the litigation and some sort of	19		managers in the organization.
20		wording in the agreement.	20	Q	
21	Ω		21	A	
22	Q A		22	Q	
23	А	negotiation regarding language within the	23	_	It was a bunch of them.
24		purchase agreement during the auction.	24	0	
4				Ų	
25	Ω	What was that pagatistion on?	ソト		that were
25	Q	What was that negotiation on?	25		that were 193

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```
1
       A No.
 2
       Q None?
 3
       A No. Not specifically, no.
 4
       O Okav.
 5
                MR. JOHNSON: I don't have anything
 6
          else for you.
 7
                MR. VOSS: No questions.
 8
                  (End of proceedings.)
 9
           (Exhibits were retained by Attorney Johnson.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
                                                      194
      STATE OF WISCONSIN )
                  ) ss.
 2
       COUNTY OF MILWAUKEE )
  3
            I, BRENDA RAY, Registered Professional
  4
       Reporter and Notary Public in and for the State of
  5
       Wisconsin, do hereby certify that the preceding
 6
       hearing was recorded by me and reduced to writing
  7
       under my personal direction.
 8
            I further certify that said deposition was
 9
       taken at CROSS LAW FIRM, S.C., 845 North 11th Street,
10
       Milwaukee, Wisconsin, on July 29, 2010, commencing at
11
       9:00 a.m. and concluding at 4:57 p.m.
12
            I further certify that I am not a relative
13
       or employee or attorney or counsel of any of the
14
       parties, nor a relative or employee of such attorney
15
       or counsel, or financially interested directly or
16
       indirectly in this action.
17
            In witness whereof, I have hereunto set my
18
       hand and affixed my seal of office at Milwaukee,
19
       Wisconsin, this 29th day of July, 2010.
20
21
22
                BRENDA RAY, RPR - Notary Public
23
                in and for the State of Wisconsin
                Commission Expires 2/11/2013
24
25
                                                      195
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